

## **REPORT REGARDING THE RECENT ACTIVITIES OF THE INTERNATIONAL BYCATCH REDUCTION TASK FORCE**

### **I. Legislative and Other Requirements**

Section 202(h)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) calls on the Secretary of State, in cooperation with the Secretary of Commerce, to seek to secure international agreements to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to U.S. fishermen if they conclude that it is necessary and appropriate. Similar provisions are contained in both the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

MSA Section 202(h)(3) requires that the Secretary of Commerce, in consultation with the Secretary of State, submit an annual report to Congress describing actions taken under Section 202(h).

In the September 2000 Annual Report to Congress on International Bycatch Reduction Agreements, the National Marine Fisheries Service (NMFS) concluded, and the Department of State concurred, that seeking international agreements with foreign nations conducting pelagic longline fishing operations for Atlantic and Pacific highly migratory species was necessary to protect endangered and threatened sea turtles. An international strategy, referred to as the Course of Action to Promote International Agreements that Address the Need to Reduce Sea Turtle Bycatch in Foreign Longline Fisheries, was subsequently developed to address this issue and detailed in the June 2001 Report to Congress on International Bycatch Reduction Agreements.

In January 2002, the International Bycatch Reduction Task Force was convened to develop a Plan of Action to implement the sea turtle bycatch strategy. This Task Force was made up of Agency and Department of State personnel. Although the initial focus of this group was to further discussions and ultimately the reduction of sea turtle bycatch in longline fisheries internationally, the issues of incidental catch of seabirds in longline fisheries and the conservation and management of sharks were quickly added to the work of the Task Force.

An Action Plan was subsequently developed by the Task Force to: 1) implement the strategy to promote international agreements that reduce sea turtle bycatch in foreign longline fisheries; and 2) promote the implementation of the Food and Agriculture Organization (FAO) International Plan of Action (IPOA) for Reducing Incidental Catch of Seabirds in Longline Fisheries and the FAO IPOA for the Conservation and Management of Sharks. The Task Force Action Plan is attached as **Appendix 1**.

## II. The U.S. National Strategy and the International Bycatch Reduction Task Force

The current National Bycatch Strategy is based on the 1998 NOAA Fisheries report, *Managing the Nation's Bycatch*, which contains the Agency's national bycatch goal, to implement conservation and management measures for living marine resources that will minimize, to the extent practicable, bycatch and the mortality of bycatch that cannot be avoided. Domestically, this goal is implemented through national and regional bycatch plans. Section V of the National Bycatch Strategy calls for the utilization of existing partnerships and development of new international approaches to reduce bycatch of living marine resources including fish stocks, sea turtles, marine mammals, and migratory birds, where appropriate.

The objectives identified in Section V of the National Bycatch Strategy include: examination of international approaches to reduce bycatch of living marine resources extending beyond U.S. waters; examination of international agreements for potential broadening and for progress in implementation; examination of regional fisheries management organizations (RFMOs) and other fora for effectiveness of bycatch provisions. The International Bycatch Reduction Task Force will be the lead body in on-going efforts to achieve these goals. The National Bycatch Strategy and supporting documents can be found on the NMFS web page at:  
<<http://www.nmfs.noaa.gov/bycatch.htm>>

## III. Recent Activities of the International Bycatch Reduction Task Force:

The Task Force Plan of Action outlines steps to be taken in implementing the U.S. strategy for international bycatch reduction. These tasks are broken up into three categories: 1) international sea turtle workshops, technology transfer, and gear experiments; 2) international communications relating to sea turtles, sharks and seabirds; and 3) other task force activities. The first report of the activities of the International Bycatch Reduction Taskforce, submitted in June 2003, detailed Taskforce activities that took place primarily during 2002. This report provides information relating to the outcomes of those activities and details new initiative undertaken by the Taskforce.

It should be noted that the activities of the Task Force relating to sea turtles have been greatly affected by two studies recently completed in the eastern and northwestern Atlantic Ocean to evaluate the utility of changes in commercial longline fishing gear and practices to reduce sea turtle bycatch. These studies successfully identified modifications that can help to reduce sea turtle bycatch in longline fisheries for swordfish. In these studies, large circle hooks used in combination with specific bait types (such as mackerel) were shown to reduce sea turtle take in longline gear and reduce the likelihood of gut hooking of sea turtles. Because bycatch occurs in many pelagic longline fisheries worldwide, the United States is committed to further research to improve and build on these techniques.

Along with these hook/bait studies, a number of tools have recently been developed that can improve the survival for turtles after release. These tools include de-hooking devices to remove hooks in a more efficient manner, line cutters to reduce the amount of fishing line that might be

attached to hooks that cannot be removed, and dip nets to aid in bringing smaller turtles on board vessels for gear removal or resuscitation.

Recent Task Force activities have also been strongly shaped by the recent decision of the FAO to convene a Technical Consultation on the issue of sea turtle interactions with fishing gear. The Technical Consultation, scheduled for Bangkok in late 2004, will be the first global meeting to address this issue. More information on this meeting and the considerable U.S. efforts relating to it can be found below.

Finally, in addition to the international communications on reduction of seabird bycatch called for by the International Bycatch Taskforce Action Plan, it is important to note that a number of international workshops, gear experiments, and activities to promote technology transfer relating to reduction of seabird bycatch have occurred since the last report of the Task Force. Thus, a section on these efforts has been included below with supporting attachments.

1. International Sea Turtle Workshops/Technology Transfer/Gear Experiments: As noted in the previous report, Task Force members engaged in a number of activities in preparation and support of international sea turtle workshops during 2003 and the first half of 2004. Note that activities relating to technology transfer and cooperative gear research have accelerated since the conclusion of the recent scientific studies in the eastern and northwestern Atlantic Ocean. Details of recent and upcoming activities discussed below can be found in the “Summary of International Activities Related to Reduction of Bycatch of Sea Turtles in Longline Fisheries,” attached as **Appendix 2**. These activities included:

- *February 2003 International Technical Workshop on Sea Turtle Bycatch in Longline Fisheries -- Seattle, Washington:* Task Force members planned and provided on-site support for this NOAA Fisheries-sponsored workshop and it was attended by participants from nineteen countries and four prominent intergovernmental organizations. The goals of the workshop included: 1) examination of global and seasonal fleet distributions and effort; 2) comparison of different gear configurations; 3) examination of target species; 4) comparison of existing regulatory regimes; and 5) review of on-going bycatch reduction research. Participants developed recommended strategies and associated actions to address sea turtle interactions in longline fisheries, identifying and prioritizing more than 90 such actions in all. Among the six highest priority actions was a request that FAO convene an intergovernmental Technical Consultation to address sea turtle bycatch in longline fisheries, to examine possible strategies and approaches to address the issue and to call for submission and collection of data on sea turtle bycatch in longline fisheries.

The Executive Summary of this workshop can be found on the NMFS website at: [http://www.nmfs.noaa.gov/prot\\_res/readingrm/Turtles/bycatch\\_report\\_feb\\_2003.pdf](http://www.nmfs.noaa.gov/prot_res/readingrm/Turtles/bycatch_report_feb_2003.pdf)  
The final report of this workshop will soon be available on the NMFS website. The activities of the Steering Committee charged with preparation for this workshop are

detailed in the Report Regarding the Activities of the International Bycatch Reduction Task Force, submitted in June 2002.

- *Bellagio Conference:* In November 2003, NOAA Fisheries co-sponsored a multidisciplinary conference on international sea turtle conservation in the Pacific Ocean, in conjunction with the Rockefeller Foundation and the Western Pacific Fisheries Management Council. The Conference included participation by international fishing industry representatives, fishery managers, sea turtle scientists, and resource management and international relations policy experts, as well as fishery and general economists. The Conference examined the various challenges to sea turtle recovery, including issues relating to nesting, foraging and breeding habitat and bycatch in fisheries. The conference explored policy and management options to address many of these issues, including how to best direct limited resources for direct habitat protection and how to coordinate among the various individuals, organizations and governments engaged in these activities, as well as to consider what policy options were available to strengthen international cooperation. The Conference drafted a blueprint for action and identified several initiatives that should be given priority by the relevant international fora, governments, and non-governmental organizations.
- *Other International Workshops and Presentations:* Taskforce members involved in longline bycatch research presented at a number of other workshops and meetings, including: the WPFMC Western Pacific Sea Turtle Cooperative Research and Management Workshop (May 2004 in Hawaii); The World Fishery Congress (May 2004 in Vancouver, B.C.); the NFRDI Symposium on Bycatch Reduction (June 2004 in Korea). Presentations were also made at the American Fisheries Society meeting (2004 in Quebec, Canada), the Sea Turtle Symposium (February 2004 in Costa Rica), and the IATTC Bycatch Working Group (January 2004 in Japan). Upcoming workshops of note include the 4<sup>th</sup> International Fisheries Observer Conference (November 2004 in Australia) and the FAO COFI Technical Consultation on the Issue of Sea Turtle Interactions with Fishing Gear (Nov-Dec 2004 in Thailand).
- *Technology Transfer and Outreach:* During late 2003 and the first half of 2004, Task Force members assisted in the planning and/or execution of international and domestic workshops focusing on technology transfer and outreach relating to reduction of sea turtle bycatch in longline fisheries. These workshops have focused on transfer of circle hook and bait technology to Latin American and Asian countries that have longline fleets that interact with sea turtles (e.g., Peru, Costa Rica, Uruguay, Korea, Japan and others). Thus far, additional workshops are planned during 2004 in Panama, Guatemala, Peru, the Federated States of Micronesia, Papua New Guinea, and the Marshall Islands.
- *Gear Experiments:* Task Force members have planned and/or initiated collaborative research relating to circle hook technology with a large number of countries (Ecuador, Costa Rica, Chile, Uruguay, and others) and future collaborative research is thus far planned with the Azores, Japan, Brazil, Guatemala, and others Asian longlining nations. Additionally, a Memorandum of Understanding has been developed with IMARPE

(Peru) to collaborate on sea turtle/fisheries research. Final approval and signature are pending.

2. International Seabird Workshops/Technology Transfer/Gear Experiments: A number of Task Force members also participate as members of an Interagency Seabird Working Group, which works to increase coordination and collaboration between Government agencies involved in the implementation of the U.S. National Plan of Action (NPOA) for Seabirds. A chronology of recent and upcoming activities discussed below can be found in the document, “International Seabird Activities: NOAA Fisheries,” attached as **Appendix 3**. Some of these activities include:

- *FAO and BirdLife International: South American Workshop on Implementation of NPOA-Seabirds and Conservation of Albatrosses and Petrels, Valdivia, Chile, 2-6 December 2003:* Twenty-eight participants from Argentina, Brazil, Chile, Falkland Islands/Malvinas Islands, New Zealand, Norway, Peru, Spain, UK, Uruguay, and United States attended. National reports summarized longline fishery information, seabird bycatch levels (if known), and evaluations and use of mitigation measures. Workshop strategies and recommendations were developed. A draft workshop report is available upon request and a final report will be published as part of the FAO Technical Report Series.
- *Technical Workshop on Seabird Bycatch and Mitigation in Kaoshiung, Taiwan:* In January 2004, BirdLife International and its in-country partner Wild Bird Federation Taiwan sponsored a “*Regional Technical Workshop on Seabird Bycatch and Mitigation*” in Kaohsiung, Taiwan, endorsed by the Fisheries Administration of Taiwan. Participants were from Japan, Korea, UK, New Zealand, Taiwan, and the United States, and the workshop focused on the Asian longline fleets. Presentations summarized longline fishery information, seabird bycatch levels (if known), and evaluations and use of mitigation measures. Workshop proceedings are available upon request.
- *Other International Workshops, Meetings, and Presentations:*

3<sup>rd</sup> International Conference on Albatrosses and Petrels NOAA Fisheries staff and U.S. scientists will participate in this international conference to be held in Montevideo, Uruguay, in August 2004. One of the sessions will cover incidental seabird mortality and mitigation. In conjunction with this session, a workshop on “Quantifying seabird bycatch: A global perspective” will be conducted. Workshop organizers will present preliminary work towards a global seabird bycatch analysis that will synthesize national bycatch data to generate a global perspective of bycatch trends, the success of mitigation methods, and conservation priorities. The objective of the workshop is to use IAPC as a venue to facilitate coordination and collaboration among the network of scientists working on seabird bycatch. A project is in development to synthesize data on seabird bycatch and bycatch mitigation to take a global perspective on this issue. The goal of the workshop is to strengthen the ties among interested scientists and to involve the seabird community at an early stage of project development. During an informal discussion, workshop participants will be asked to evaluate project objectives and strategies, identify

critical questions and potential obstacles, review available data and identify new datasets.

4<sup>th</sup> International Fisheries Observer Conference: NOAA Fisheries staff and U.S. scientists will participate in this international conference to be held in Sydney, Australia, in November, 2004. A pre-conference workshop, “Development of Best Practices for the Collection of Longline Data to Facilitate Research and Analysis to Reduce Bycatch” will bring together scientists involved in research and data analysis of longline fishery bycatch, managers of longline fishery observer programs, fisheries managers, and other interested parties to identify key data elements and/or biological samples that should be collected in longline fisheries worldwide. Prior to the workshop, the organizers request that managers of longline fishery observer programs provide a list of the data currently being collected (or copies of data forms) for each longline trip and haul so that this information can be compiled and made available to all workshop participants as a starting point for identifying core data elements that should be collected in all observed longline fisheries.

Agreement for the Conservation of Albatrosses and Petrels, First Meeting of the Parties (MOP) The First MOP is scheduled for November 10-12, 2004, in Hobart, Australia. Five countries are party to the latest Convention on Migratory Species (CMS) conservation agreement to come into force - The Agreement on the Conservation of Albatrosses and Petrels (ACAP). ACAP came in to force on 1 February 2004, following the ratification by five countries, and will address the conservation of threatened albatrosses and petrels. Australia, New Zealand, Ecuador, Spain and the Republic of South Africa are a party to ACAP, which met its threshold for entry into force following the Republic of South Africa being the fifth country to become a party. Another six countries, Argentina, Brazil, Chile, France, Peru, and the United Kingdom have signed ACAP. The Agreement's entry into force will allow members to implement an action plan to protect critical habitat, control non-native species detrimental to albatrosses and petrels, introduce measures to reduce the incidental catch of seabirds in long-line fisheries, and support research into the effective conservation of albatrosses and petrels. Although not a signatory to ACAP, the United States plans to attend the first MOP as an observer.

- *Technology Transfer and Outreach:* In 1999 and 2000, the world's most comprehensive and scientifically rigorous experiments evaluating the effectiveness of seabird avoidance measures were conducted in the Bering Sea and Gulf of Alaska by a scientists from the Washington Sea Grant Program (WSGP). Working collaboratively with the longline industry, scientists evaluated several measures (paired and single streamer lines, line shooter, added weight to groundline) in multiple areas, on multiple vessels, and in multiple years, setting over 8 million hooks in the course of experiments. Findings from this research program resulted in regulatory changes to the demersal longline fleet operating off Alaska. These findings also impacted requirements in the demersal longline fisheries off the Pacific coast of Canada and in the fisheries regulated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). During the course of these experiments, the U.S. Fish and Wildlife Service (USFWS) initiated a 'free streamer line' program for Alaska fishermen. These same lines have

been shared with the Russia longline industry, through a cooperative program initiated by the World Wildlife Fund. WSGP and the University of Alaska's Marine Advisory Program produced an educational outreach video "Off the Hook" which has been distributed widely. WSGP is collaborating with Chilean scientists for a Spanish translation of the video.

Protected species (seabirds and sea turtles) workshops are required for fishermen in the pelagic longline fisheries off Hawaii and the U.S. West Coast Highly Migratory Species fisheries. Laminated placards of seabird identification guides are available in multiple languages and are provided free to fishermen.

Improved seabird identification guides were developed and provided for fishery observers off Alaska. Similar materials are being developed for Atlantic Coast programs.

- *Research and Gear Experiments:* NOAA Fisheries and USFWS have collaborated with university Sea Grant programs, longline industry and other non-government groups, and in some instances jointly funded scientific studies by researchers on developing and/or evaluating the effectiveness of seabird mitigation devices. A cooperative and collaborative effort with early involvement of the longline industry is essential if practicable and effective bycatch solutions are to be found. Efforts have included gear studies and sea trials on: streamer lines, line shooters, underwater setting chutes, side-setting, integrated weight groundlines, and on bait studies assessing bait dying and thawing. Research results have been presented at scientific meetings. Continued support for research and development of effective gear mitigation measures is important. Research on paired streamer lines led to regulatory changes for the Alaska longline fleet and contributed to changes to the CCAMLR seabird avoidance requirements in 2003.

3. International Communications Relating to Sea Turtles, Sharks and Seabirds: Task Force members participated in a number of activities designed to communicate U.S. concern regarding bycatch of sea turtles, sharks, and seabirds. As noted above, many of these international communications and other activities focused on further dissemination of the results of the recent U.S. gear experiments relating to sea turtle bycatch in swordfish longline fisheries. Recent activities included:

- A follow-up diplomatic demarche (cable) relating to sea turtle bycatch was sent to flag states with significant longline fleets (and Taiwan). This cable: expressed continued U.S. concern relating to sea turtle bycatch; communicated the results of recent U.S. studies relating to gear/bait modifications and safe handling practices in swordfish longline fisheries; noted opportunities for future collaborative research and technology transfer relating to sea turtle bycatch reduction in longline fisheries; encouraged flag states to participate fully in international/multilateral efforts to reduce sea turtle bycatch; and encouraged flag states to participate in the FAO COFI Technical Consultation on Sea Turtles to be held in Bangkok, Thailand in November/December 2004. The cable further outlined U.S. goals for the Technical Consultations. The text of the demarche is attached

as **Appendix 4**. More information on Task Force efforts relating to the FAO Technical Consultations follows below.

- Over the last year and a half, the United States has continued to use international fishery management organizations and bilateral relationships to call attention to the international problems of sea turtle bycatch and incidental catch of seabirds and sharks in longline fisheries. We have worked to sensitize foreign governments to the importance of this issue to the United States and have stressed the need for their active engagement as part of an effective strategy for the conservation of these species. More recently, we have stepped up efforts to seek concrete action on the part of foreign governments and fishing industries. In this regard, the Administration's efforts to address this pressing problem have focused on the following key areas:
  - 1) Obtaining additional data on the level of sea turtle interaction with longline fisheries including distribution by time, depth and area;
  - 2) Research into new fishing gear and techniques to reduce sea turtle bycatch, including gear modifications, alternative baits, and alternative fishing strategies;
  - 3) Identification of interim measures to promote at the international level to reduce sea turtle bycatch, while efforts continue to further identify and refine possible solutions through numbers 1 and 2, above; and
  - 4) Providing technical assistance and outreach to foreign nations to document sea turtle interactions in longline fisheries, conduct gear modification experiments to reduce sea turtle bycatch, and implement safe-handling practices to reduce sea turtle injury and mortality
  - 5) Promoting full participation in the 2004 FAO Technical Consultation.
- In October 2003, the United States delivered a diplomatic demarche (cable) to all countries seeking to export shrimp into the United States. This cable noted a change in U.S. domestic regulations governing the use of sea turtle excluder devices (TEDs) on U.S. commercial shrimp trawl vessels. This information is relevant to these countries, because U.S. Public Law 101-162 prohibits importation into the United States of shrimp harvested in ways harmful to sea turtles. The import prohibition does not apply to shrimp harvested in countries that are certified by the U.S. Department of State as either having adopted a program comparable to the U.S. program to protect sea turtles, or having a fishing environment that is safe for sea turtles. Generally speaking, certification as having a comparable program requires laws or regulations that require commercial shrimp trawl vessels to use TEDs. These laws/regulations should be similar in all meaningful respects to the laws/regulations in place in the United States. Thus, the recent change to the U.S. regulations requires similar changes to host country regulations (by August 31, 2004) in order for such country to be considered for continuing or new certification after that date. The text of this demarche is attached as **Appendix 5**.
- In October 2003, the United States delivered a diplomatic demarche (cable) to 33 members of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding the status of implementation of the ICCAT 02-14 Resolution on



Incidental Mortality of Seabirds. The Resolution encourages parties to collect and provide to ICCAT's Standing Committee on Research and Statistics all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT. This demarche: expressed continued concern about the status of seabirds generally; reminded parties of the provisions of the resolution; urged parties to inform the SCRS of the status of their NPOAs; and to provide data to SCRS on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT. The demarche had various specific comments and requests for several countries. The text of the demarche is attached as **Appendix 6**.

#### 4. Other Task Force Activities:

In addition to tasks specifically associated with the Task Force Action Plan, members of the Task Force participated in the following activities:

- *Inter-American Sea Turtle Convention* – The United States was a driving force behind efforts to negotiate Inter-American Convention for the Protection and Conservation of Sea Turtles in the Western Hemisphere. The Convention, which entered into force in May 2001, is the first international treaty dedicated solely to the conservation of sea turtles. It establishes a comprehensive framework for international efforts to protect sea turtles and their habitats, including specific provisions relating to the interaction of sea turtles in commercial fisheries. The United States is continuing to take a lead role – currently working with the other Parties to establish the framework, including a permanent Secretariat, for the Parties to carry out their obligations of the Convention.
- *Indian Ocean Sea Turtle Memorandum of Understanding* – The Memorandum of Understanding (MOU) on the Conservation and Management of Marine Turtles of the Indian Ocean and Southeast Asia, and its associated Conservation and Management Plan (CMP), provide a similar comprehensive framework for the conservation and protection of sea turtles and their habitats in the Indo-Pacific region. Though non-binding, the MOU and CMP contain strong, forward looking provisions that, if effectively implemented, will advance conservation of endangered sea turtles populations and promote their recovery. Here again, the United States continues to work to establish through the MOU/CMP a strong and effective sea turtle conservation regime.
- *IATTC Bycatch Working Group* – At its Annual Meeting in June 2003, the Inter-American Tropical Tuna Commission (IATTC) adopted a resolution directing the Bycatch Working Group to develop a three-year program to mitigate sea turtle bycatch, including identification of measures for improved fishing gear and techniques. The Bycatch Working Group of the IATTC met January 13-16, in Kobe, Japan, to carry out this mandate. The Working Group recommended a set of data collection and research activities for consideration by the IATTC at its June 2004 meeting. In addition, Japan presented a recommendation, supported strongly by the United States, that longline vessels operating in the Eastern Pacific Ocean be required to use offset circle hooks and prohibited from using squid as bait in all sets shallower than 120 meters. (These

modifications have been highly effective in mitigating sea turtle bycatch in Atlantic tuna and swordfish fisheries, and testing is underway regarding their effectiveness in the Pacific, both for reducing sea turtle bycatch and with respect to their impact on target catch rates.) While not all countries were prepared to endorse this recommendation at the Working Group meeting, the Commission did adopt the recommendations of the Bycatch Working Group at the June 2004 IATTC meeting. The IATTC resolution is attached as **Appendix 7**.

- *ICCAT Resolution on Sea Turtles* – At its 2003 Annual Meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a resolution encouraging Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities to collect and share all information on interactions with sea turtles. The resolution further encourages release of sea turtles caught alive and sharing of information relating to reduction of incidental sea turtle catch and handling to increase survival of released sea turtles. ICCAT will seek to develop data collection and reporting methods and support the efforts of the FAO to address the conservation and management of sea turtles. The text of this ICCAT resolution is attached as **Appendix 8**.
- *Interim Scientific Committee* – The Fourth Meeting of the Interim Scientific Committee for the Highly Migratory Species of the North Pacific Ocean (ISC) took place in Honolulu, Hawaii, February 2-4, 2003. At that meeting, the ISC created a Bycatch Working Group and drafted terms of reference for that group. Those terms of reference call for the working group to give priority to bycatch of sea turtles, sharks and sea birds and for the collection of data related to bycatch of these animals in vessels operating under the jurisdiction of ISC members. The ISC is a scientific organization and currently has no management mandate or authority. Nonetheless, the ISC is likely to be an important source for scientific advice and recommendations in support of management measures to the Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC) and may provide similar advice to the IATTC, in particular with respect to fisheries such as swordfish occurring in the northern part of the IATTC Convention Area.
- Task Force members are also currently conducting economic studies of the costs of protection and other mitigation measures for Pacific sea turtle nesting sites and habitat. To date, sites have been studied or are in the process of study in Papua, Indonesia, Terengganu, Malaysia, and the Solomon Islands for leatherback and hawksbill sea turtles. Further studies will examine additional sites and possibly other sea turtle species. These costs will help assess alternative conservation strategies, help identify sites with potentially large pay-offs for conservation, and help potential donors and others interested in sea turtle conservation structure funding. These studies are conducted in cooperation with a number of non-governmental organization and academic partners. Other economic studies are currently researching the economics of Hawaiian longline sea turtle conservation, limited entry programs for highly migratory species fisheries focused on sea turtle conservation, and optimum at-sea conservation policy instruments under uncertainty. These studies are conducted in cooperation with U.S. academic institutions.

- *FAO Technical Consultation* – During the Twenty-fifth Session of the FAO Committee on Fisheries in February 2003, the U.S. Delegation worked successfully with Japan and other delegations for a decision by the FAO to convene a Technical Consultation on the issue of sea turtle interactions with fishing gear. The Technical Consultation, scheduled for Bangkok in late 2004, will be the first global meeting to address this issue.

The purpose of the Consultation is to: (a) review the status of the sea turtle species that are of concern and the overall impact fisheries have on their populations; (b) explore where data collection can be initiated or improved, where existing data on fisheries effort and turtle distribution can be used to estimate interactions where empirical data do not exist, and how data collected can best be used to develop effective conservation and management measures; (c) include the fishing industries in developing solutions to reduce sea turtle bycatch and inform the fishing industries of the nature of the problem, the impact their operations have on sea turtles; (d) promote research on gear modifications and fishing practices that will reduce sea turtle bycatch; (f) discuss and consider measures that could be adopted to immediately reduce the impact of fisheries on sea turtle populations; (g) promote involvement of Regional Fisheries Management Organizations in identifying solutions and implementing measures to reduce sea turtle bycatch.

A subgroup of Task Force members has been created to work to further develop U.S. positions for the FAO Technical Consultations and to ensure that U.S. views on the agenda and desired outcomes of the Consultations are clearly articulated to the FAO and participating members. Along these lines, the United States has been working closely with the Government of Japan to coordinate positions on how this international meeting can achieve the intended objectives and provide the greatest benefit in terms of future international cooperation on education, research, and the adoption of concrete measures to reduce sea turtle bycatch and mortality. Task Force members also attended the invitation-only preparatory meeting for these Consultations.

#### IV. Conclusion

The International Bycatch Reduction Task Force will continue its efforts to implement its current Plan of Action by using every opportunity at the bilateral, regional, and global levels to promote the reduction and elimination of sea turtle bycatch in longline fishing gear and implementation of the FAO IPOAs on Seabirds and Sharks. Additionally, the Task Force will soon update its Plan of Action to reflect recent developments and new U.S. priorities relating to international bycatch.

## **APPENDIX 1**

### **International Bycatch Reduction Task Force – Action Plan**

Attached is the preliminary Action Plan developed by the International Bycatch Reduction Task Force. This Action Plan outlines the steps to be taken in implementing the U.S. strategy for bycatch reduction. These tasks include (but are not limited to): the planning and execution of a technical workshop on sea turtle bycatch in longline fisheries; demarches to longlining states (and Taiwan) announcing this workshop and requesting information on sea turtle interactions in their longline fisheries; promotion of the workshop and sea turtle initiatives in regional fisheries management and bilateral meetings; and separate demarches to longlining states (and Taiwan) and regional fisheries management organizations promoting the implementation of the FAO International Plans of Action on Seabirds and, to a potentially larger audience, Sharks.

## **PRELIMINARY PLAN OF ACTION TO IMPLEMENT THE U.S. STRATEGY FOR BYCATCH REDUCTION:**

### **Task 1: International Sea Turtle Workshops**

- I .** In October 2002, an interim, in-house workshop will be held during which NMFS staff will review the preliminary results of on-going research relating to the reduction of sea turtle bycatch in longline fisheries. The results of this interim workshop will be presented at the Second International Fisherman's Forum in November 2002.
- II .** In March 2003, NMFS will hold a Sea Turtle Longline Bycatch Technical Workshop. A Steering Committee will be formed and will meet before April 1, 2002, to begin preparations for this workshop. This Committee will be designated by the Bycatch Task Force and will consist of NMFS staff and other appropriate public and private sector individuals. The tasks of the Steering Committee include:
- Identifying the date and venue for the workshop
  - Considering financial aspects of the workshop
  - Developing an agenda and identifying desired outcomes
  - Identifying the data/technical specifications necessary for workshop and the materials that should be provided to attendees in advance
  - Identifying desired speakers/attendees

All information necessary for the formal announcement of the workshop (e.g., dates, venue, preliminary agenda and data/technical specifications) shall be finalized by May 15, 2002. The Steering Committee shall endeavor to complete the rest of its preparatory work by September 30, 2002.

The Office of Protected Resources shall arrange for an individual to address logistical/administrative aspects of the workshop and any other tasks identified by the Steering Committee. This individual will interface with both the Steering Committee and the Task Force.

- III.** Between March and June 2003, NMFS may co-sponsor an inter-disciplinary workshop with the International Center for Living Aquatic Marine Resource Management (ICLARM). Possible objectives for this workshop include: identification of the types of international institutions required to conserve and manage Pacific sea turtles; development of Pan-Pacific comprehensive policy options; development of a pan-Pacific model framework treaty and call for negotiations; call for an FAO Plan of Action for Sea Turtles; and development of a multi-disciplinary and multilateral sea turtle research agenda for the future.

## **Task 2: International Communications Relating to Sea Turtles, Sharks and Seabirds**

- I. By May 15, 2002, the United States will demarche flag states with significant longline fleets (and Taiwan). The demarche will emphasize the international nature of the sea turtle bycatch problem in longline fisheries, describe steps that the United States is taking to address it, and request that recipients provide by September 30, 2002, information relative to sea turtle bycatch in longline fisheries. Data specifications for this request will be developed by the Steering Committee as noted above. The demarche will announce the date and location of an International Longline Sea Turtle Bycatch Technical Workshop, which will be promoted as the forum for the consideration of the sea turtle bycatch information requested. The United States will commit to providing the same data requested in the demarche to each recipient by August 30, 2002.
- II. By May 15, 2002, the U.S. will demarche Executive Secretaries (or equivalent) of regional fisheries management organizations or arrangements in whose area of operation longline fishing occurs. The demarche will emphasize the international nature of the sea turtle bycatch problem in longline fisheries, describe steps that the United States is taking to address it, and request any information collected relative to sea turtle bycatch in longline fisheries. The demarche will also announce the date and location of an International Longline Sea Turtle Bycatch Technical Workshop, which will be promoted as the forum for the consideration of the sea turtle bycatch information requested.
- III. By May 15, 2002, a demarche will be sent to flag states with significant longline fleets (and Taiwan) that requests information on the status of implementing the IPOAs for Seabirds and Sharks. The United States will provide information on topics relating to these IPOAs, including information that may be of use to states developing a National Plan of Action (NPOA) for Seabirds and an NPOA for Sharks. This communication will also provide an overview of the U.S. Shark Finning Prohibition Act.
- IV. Current and new regional fishery management organizations and existing bilateral relationships will be used to call attention to the international problems of sea turtle bycatch and incidental catch of seabirds and sharks in longline fisheries. The United States will promote international cooperative efforts to collect standardized information on the incidence of sea turtle bycatch in longline fisheries. The technical workshop will be promoted as the forum to receive and consider such information. Additionally, the United States will promote the implementation of the IPOAs for Seabirds and Sharks in these fora.
- V. Summary reports for seabirds and for sharks will also be sent to FAO in the form of the biennial report that NMFS completes on its implementation of the *Code of Conduct for Responsible Fisheries* and submits to FAO's COFI in 2003. The Code of Conduct Report includes status of implementation of the IPOA-Seabirds and IPOA-Sharks.

NMFS will advise the Advisory Committee to the U.S. Section to International Commission for the Conservation of Atlantic Tunas of the details of this Action Plan at the March 2002 Species Working Groups Meeting. NMFS will also advise Fishery Management Council Chairs and Executive Directors regarding this Action Plan at their May 2002 meeting. Additionally, NMFS Regional Administrators will continue to update the Council Chairs and Executive Directors as appropriate.

## **APPENDIX 2**

### **SUMMARY OF INTERNATIONAL ACTIVITIES RELATED TO REDUCTION OF BYCATCH OF SEA TURTLES IN LONGLINE FISHERIES**

(updated August 2, 2004)



**SUMMARY OF INTERNATIONAL ACTIVITIES RELATED TO REDUCTION OF  
BYCATCH OF SEA TURTLES IN LONGLINE FISHERIES**  
(updated August 2, 2004)

DESCRIPTION OF ACTIVITY	LOCATION OF ACTIVITY - COUNTRY AND OCEAN (IF APPLICABLE)	LEAD FMC
A.1 A Workshop was held in conjunction with the Sea Turtle Symposium in San Jose, Costa Rica on February 28, 2004. Focus was on providing information on safe release to participants from nations with longline fleets.	Potential to reach multiple longlining nations	SEFSC
A.2 A workshop was held in Panama City, FL during March 2004 to provide instruction to domestic vessels in the Gulf on the use of de-hookers and line cutters.	U.S. Gulf	SEFSC
A.3 Laminated cards with sea turtle ID and handling guidelines and the safe handling video developed by the SEFSC are being provided to numerous countries as requested. These materials were used in training sessions held in Ecuador in collaboration with IATTC and WWF in March 2004.	Pacific Atlantic	SEFSC PIFSC
A.4 Staff will be following up on requests for technical information and materials that have been received from Mexico <sup>1</sup> , Israel, and Australia.	Pacific Atlantic	SEFSC PIFSC
A.5 SEFSC staff conducted longline mitigation training and workshops in Peru, June 1-12, 2004 in cooperation with IATTC (Martin Hall).	Peru	SEFSC

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<sup>1</sup>Feb. 24, 2004 email inquiry from Mexico, Maria Ruiz Slater, State Government Michoacan; request assistance in duplicating gear modification experiments

A.6	As a follow up to the workshop held at the Sea Turtle Symposium in Costa Rica, a workshop on the use of dehookers, safe handling and release techniques was held with the crew of the Marviva, the Coast Guard, INCOPESCA, sport fishers and NGOs in Golfito, CR in July 2004. The focus was on the sportfishing community, but workshops are planned for early 2005 to target shark and mahi longline fleets.	Costa Rica	SEFSC
A.7	Workshops will be held to help domestic fishers comply with the recent HMS BiOp. Workshops will cover results from the NED, safe handling, gear removal and release. Workshops were held in Dulac, LA, Larose, LA, and Panama City, FL in July. Workshops are planned for Pompano Beach, FL, Ft. Pierce, FL, Charleston, SC, and Wanchese, NC in August and Barnegat Light, NJ, East Setauket, NY, Narragansett, RI, and New Bedford, MA in September. Similar workshops will be held by PIRO for Hawaii-based longline fishermen in September 2004 and quarterly thereafter.	U.S. Gulf and Atlantic U.S. Hawaii	SEFSC PIRO
A.8	As a follow up to the workshop held at the Sea Turtle Symposium in Costa Rica, dehookers are being tested on Uruguayan vessels. In response to a March 22 email from Martin Laporta (Uruguayan fisheries observer), a Careful Handling and Release Kit has been provided for field testing.	Uruguay fleet	SEFSC
A.9	In August 2004 a workshop will be held in Panama on conducting circle hook experiments similar to Ecuador and on the use of dehookers, safe handling and release techniques.	Panama	SEFSC
A. 10	In August 2004 a workshop will be held in Guatemala on conducting circle hook experiments similar to Ecuador and on the use of dehookers, safe handling and release techniques.	Guatemala	SEFSC SWFSC
A.11	In October 2004 SWFSC staff will follow up on a training workshop held in 2003 in cooperation with IMARPE for fisheries observers by working with Peruvian researchers to initiate circle hook implementation and experiments in the artisanal mahi and shark fisheries.	Peru	SWFSC
A.12	The PIFSC has been involved in training Korean and Japanese representatives to train their own fisheries observers in protocols	Korean and Japanese fleets	PIRO

	utilized by NMFS observers.		
A.13	The PIRO is following up on requests for safe handling workshops from the Federated States of Micronesia, Papua New Guinea, and the Marshall Islands.	FSM, PNG, Marshall Islands	PIRO
B.1	NMFS, in collaboration with WWF, IATTC, and the WPRFMC, is providing hooks, dehookers, and technical assistance to Ecuador for the testing of non-offset 14/o and 15o circle hooks in the mahi mahi fishery and 10 degree offset 16o and 18o circle hooks in the tuna/shark fisheries. Work began in March 2004. Initial results are mostly from the tuna/shark fishery and indicate that the majority of the bycatch is entangled, not hooked. Four of the 17 turtles hooked so far were caught on 16o circle hooks, and none on 18/o.	Ecuador	SEFSC PIFSC
B.2	As of June 28, 2004 Peru has retrofitted two vessels with 16o and 18o circle hooks and will be conducting work similar to Ecuador above.	Peru	SEFSC
B.3	1 Caribbean and 4 Gulf vessels will be testing an 18o, non offset circle hook vs the 16o circle hook typically used in the tuna fishery, with standard squid/herring/sardine bait. Evaluations of 18/0 circle hook in the GOM tuna directed fishery have been completed and a report is in review.	Gulf/Caribbean	SEFSC
B.4	PIFSC staff will work cooperatively with the NGO PRETOMA to test 16o circle hooks in the Costa Rican tuna longline fishery.	Costa Rica	PIFSC
B.5	PIFSC assisted with experimental design for blue dyed bait in the shallow water mahi mahi fishery in Costa Rica. Initial testing starting in Nov. 2003 was unsuccessful, and work has shifted to hook testing (see B.4 above).	Costa Rica Brazil	PIFSC
B.6	Over the past 2 ½ years satellite tags have been provided to Costa Rican longline observers to investigate post-hooking survival. A total of 10 longline caught and 5 free-swimming turtles were tagged and monitored, with no apparent behavioral differences between the groups. As tagging becomes possible in the re-opened Hawaii swordfish fishery, tagging in Costa Rica is being phased out.	Costa Rica	PIFSC
B.7	In 2003 circle hooks were provided to approx. 10 swordfish vessels. An 18o circle hook	Chile	SWRO SWC

	with 10 degree offset will be tested this year.		
B.8	In summer of 2004 the SEFSC will provide circle hooks with for experiments that will be conducted by Uruguayan longliners. Hook size and offset TBD.	Uruguay	SEFSC
B.9	In the fall of 2004 University of Florida researchers (Alan Bolten) will undertake testing of an 18o 10 degree offset circle hook baited with squid versus an 18o circle hook with no offset in the Azorean swordfish longline fishery.	Azores	PIFSC OPR
C.1	PIFSC staff will be analyzing results from the re-opened shallow set fishery in HI which will use only 10 degree offset 18o circle hooks and fish bait. PIFSC will also analyze results from several vessels in the deep-set tuna fishery which are voluntarily trying smaller circle hooks. Controlled (circle versus tuna hook) testing of non-offset 18o circle hooks will shift to the tuna fishery, in conjunction with action C.2 below.	HI	PIFSC
C.2	PIFSC staff have been consulting with WESPAC, Blue Ocean Institute, and Japan on the initial planning stages of a cooperative research design to test the efficiency of circle hooks in the Japanese tuna fishery. A draft research plan was reviewed in May and a meeting to refine the draft will be held in Honolulu September 13-17.	Pacific	PIFSC
C.3	PIFSC is actively continuing to seek longline platforms throughout Asia for the deployment of archival tags.	Pacific	PIFSC
C.4	PIFSC is providing 18o circle hooks for upcoming experiments by one research vessel in the Brazilian swordfish fishery.	Brazil	PIFSC
C.5	Guatemala has expressed an interest in experimenting with circle hooks in their swordfish fishery. This discussion was continued at the Sea Turtle Symposium in Costa Rica in February 2004. The dorado and shark targeting longline fishery will be supplied with non-offset 14/0 and 15/0 circle hooks for controlled comparison with other hook styles in use, during a week long visit to Guatemala August 14-21, 2004.	Guatemala	PIFSC
D.1	Continued hook size experiments compared to turtle size will start in March 2004 with headstarted turtles in Galveston. PIFSC is	Galveston, TX	SEFSC PIFSC

	providing funds		
D.2	Physiology and behavior experiments (olfactory and visual cues, etc.) are ongoing at PIFSC. A review meeting to summarize results to date was held at PIFSC in winter 2004.	HI and various affiliated research institutions	PIFSC
D.3	Odor/repellant studies are being conducted with captive and semi-wild turtles that are also monitored for hook expulsion and post-hooking health over time.	Brazil	PIFSC
E.1	Research results from the NED experiments were presented at the IATTC Bycatch Working Group January 2004 Kobe, Japan. The Group examined information on status of sea turtles; identified short and long-term conservation measures; and recommended research areas to address sea turtle interactions in fisheries.	Member Countries: Costa Rica, Japan, Spain, Ecuador, Mexico, United States, El Salvador, Nicaragua, Vanuatu, France, Panama, Venezuela, Guatemala, Peru	SEFSC PIFSC SWR
E.2	The March 2004 Bilateral with Mexico provided an opportunity to follow up on their request for longline technical assistance.	Mexico	SF/HQ
E.3	NMFS staff involved in longline bycatch research participated in the 2 <sup>nd</sup> WPRFMC Western Pacific Sea Turtle Cooperative Research and Management Workshop held in Honolulu, HI May 17-21.	Pacific	PIFSC, PIRO, SWFSC SWRO
E.4	Research results from the NED and Pacific longline gear experiments were presented at the World Fishery Congress, May 2-6, Vancouver, BC, Canada	Global	PIFSC SEFSC
E.5	An MOU has been developed between the SEFSC and IMARPE (Peru) to collaborate on sea turtle/fisheries research. Final approval and signature are pending as of June 2004.	Peru	SWFSC
E.6	In June, 2004 the PIFSC hosted a representative of the Pacific Fisheries Section of the Deep Sea Fisheries Division of the Taiwanese Fisheries Agency. He participated in a WPRFMC sea turtle workshop and a fisheries observer workshop held at the PIRO.	Taiwan	PIFSC
E.7	NMFS staff gave a presentation promoting	Pacific	PIFSC

	cooperative research and the use of circle hooks at a Symposium on Bycatch Reduction hosted by NFRDI in Korea, June 7-11, 2004.		
E.8	The EU Fisheries Bilateral in Brussels, June 30-July 1, 2004 provided an opportunity to highlight sea turtle longline issues.	EU	HQ
E.9	The Fisheries Bilateral with Iceland in Reykjavik July 27-28, 2004 provided an opportunity to highlight sea turtle longline issues.	Iceland	HQ
E.10	The Fisheries Bilateral with Canada in Washington July 22 provided an opportunity to continue to engage Canada in sea turtle longline issues.	Canada	HQ
E.8	The Fisheries Bilateral with Chile in Juneau July 27-29, 2004 provided a forum to call attention to the cooperative circle hook research that is underway and to discuss possible expansion of that program.	Chile	SF/HQ SWFSC
E.9	The ISC (Interim Scientific Committee for Tuna and Tuna-like Species in the North Pacific) has agreed to establish a working group to address sea turtle bycatch issues.	Member States: Canada, Chinese Taipei, Japan, Korea, Mexico, People's Republic China, United States	SF/HQ PIFSC
E.10	An FAO Technical Consultation on the issue of sea turtle interactions with fishing gear will be held November 29 - December 3, 2004 in Bangkok, Thailand. Japan has pledged financial support for this meeting, and NMFS provided \$100,000.	Global	SF/HQ
E.11	The 4 <sup>th</sup> International Fisheries Observer Conference will be held Nov 8-11, 2004 in Sydney, Australia. There will be a NOAA Fisheries sponsored workshop prior to the Conference that will focus on standardizing longline observer data collection and sampling protocols.	Global	ST/HQ
E.12	NMFS staff gave a presentation promoting cooperative research and the use of circle hooks at a Symposium on Bycatch Reduction hosted by NFRDI in Korea, June 7-11, 2004.	Pacific	PIFSC
F.1	Workshops on mitigation research, de-hooking, line cutting, handling techniques and data collection have been conducted with 41 fishers in Queensland and Western Australia. More workshops are planned. 13 ARC de-hooking and line cutting kits have been	Queensland and Western Australia, Australia	n/a

	distributed. A handling video is under development.		
F.2	Workshops with fishers on handling techniques and the use of circle hooks are planned for July 2004.	Columbia	n/a
F.3	A cable response to State 118401 contained information on longline effort out of Durban and the east coast of S. Africa as well as proposed mitigation measures, including dropper lines that are 2 meters longer than the depth of the buoy line and the potential use of non-stainless circle hooks.	South Africa	n/a
F.4	The National Research Institute of Far Seas Fisheries (NRIFSF) has tested non-offset 160 circle hooks in comparison to tuna hooks and found no difference in the rate of bycatch, and a substantial reduction in deep hooking with the circle hooks. Work with larger circle hooks is being planned (C2)	Japan	n/a

### **APPENDIX 3**

#### **INTERNATIONAL SEABIRD ACTIVITIES: NOAA FISHERIES** (Updated August 2004)



## INTERNATIONAL SEABIRD ACTIVITIES: NOAA FISHERIES

NOAA Fisheries has engaged in numerous international activities relating to efforts to reduce the incidental catch of seabirds in longline fisheries. The United Nations' Food & Agriculture Organizations (FAO) International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) (see paragraphs 19 and 20) specifically calls on its States (member countries) to do the following:

*States, within the framework of their respective competencies and consistent with international law, should strive to cooperate through regional and subregional fisheries organizations or arrangements, and other forms of cooperation, to reduce the incidental catch of seabirds in longline fisheries.*

In implementing the IPOA-SEABIRDS States recognize that cooperation among States that have important longline fisheries is essential to reduce the incidental catch of seabirds given the global nature of the issue. States should strive to collaborate through FAO and through bilateral and multilateral arrangements in research, training and the production of information and promotional material. For additional information about NOAA Fisheries activities on seabird/fishery interactions as well as a link to the FAO's IPOA-Seabirds, see <http://www.fakr.noaa.gov/protectedresources/seabirds/national.htm>

International activities undertaken by NOAA Fisheries to address seabird 'bycatch' include:

- Promotion/encouragement of the implementation of the United Nations' Food & Agriculture Organizations (FAO) International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) at bilateral fishery meetings, international conferences and workshops, and other appropriate venues.
- Preparation for FAO technical consultation on seabirds, Seabird Technical Working Group, Tokyo, Japan (Mar 98)
- US/Mexico fisheries bilateral meeting, Seattle, WA (Sept 98)
- FAO technical consultation on seabirds, Rome, Italy (Oct 98)
- US/Russia Intergovernmental Consultative Committee on Fisheries, Seattle, WA (Jan 99)
- US/Chile fisheries bilateral meeting, Monterey, CA (Nov 99)
- US/Russia Intergovernmental Consultative Committee on Fisheries, Moscow Russia (Mar 00)
- International Fishers Forum, Auckland, New Zealand (Nov 00)
- US participation in the Global Environmental Facility (GEF) workshop on seabird bycatch, Cape Town, South Africa (Apr 01)
- US Representation at CCAMLR's WG-IMAF (Commission for Conservation of Antarctic Marine Living Resources, Working Group—Incidental Mortality Associated with Fishing), Hobart, Australia (Oct 01)
- US International Bycatch Reduction Task Force, includes seabirds, formed Jan 02
- Asia Pacific Economic Cooperation (APEC) Ministerial (April 02)

- US/People's Republic of China fisheries fisheries bilateral meeting (May 02)
- APEC Fisheries Working Group (FWG) (May 02)
- FAO-IPOA Case Study (May 02)
- Demarche sent to 23 nations (including EU) on seabird bycatch issues (June 02)
- US/European Union (EU) fisheries bilateral meeting, Washington DC (July 02)
- US/Canada fisheries bilateral meeting, Washington DC (Aug 02)
- US/Chile fisheries bilateral meeting, Vina del Mar, Chile (Sept 02)
- US/Russia Intergovernmental Consultative Committee on Fisheries, Moscow  
Russia; progress on MOU that may include exchange of information and technical  
advice on seabird bycatch issues (Sept 02)
- US Representation at CCAMLR's WG-IMAF, Hobart, Australia (Oct 02)
- International Commission for the Conservation of Atlantic Tunas (ICCAT),  
Bilboa, Spain (Nov 02); US co-sponsor of resolution on seabird bycatch that is  
adopted by ICCAT
- 2<sup>nd</sup> International Fishers Forum, Honolulu, HI (Nov 02)
- Final Report on 'Performance Assessment of an Underwater Setting Chute to  
Minimize Seabird Mortality in the Hawaii Pelagic Longline Tuna Fishery';  
collaborative research effort between US and Australian scientists (Dec 02)
- Collaborative international research efforts to study the use of Integrated Weight  
groundlines in longline fisheries and paired streamer lines as seabird bycatch  
deterrent devices; US scientist (from Washington Sea Grant Program, University  
of Washington) working in Australia and New Zealand (Dec 02-Dec 03)
- US/Japan fisheries bilateral meeting, La Jolla, CA (Jan 03)
- NMFS Science Board endorses concept of a global seabird bycatch database  
(Jan 03)
- FAO's biennial Committee on Fisheries (COFI) meeting; head of US delegation  
includes seabird talking points in conveyance to COFI (Feb 03)
- NMFS-sponsored International Technical Expert Workshop on Marine Turtle  
Bycatch in Longline Fisheries; presentation on seabird bycatch issues in longline  
fisheries; Seattle, WA (Feb 03)
- APEC's FWG; joint proposal submitted by Chile and US on seabird bycatch  
(May 03)
- US/EU fisheries bilateral meeting, Washington DC (June 03)
- US/Russia Intergovernmental Consultative Committee on Fisheries, Portland,  
OR; development of draft MOU which includes element on seabird bycatch  
(Sept03)
- US Representation at CCAMLR's WG-IMAF, Hobart, Australia (Oct 03)
- Demarche sent to ICCAT nations re: implementation of seabird bycatch  
resolution (02-14) (Oct 03)
- ICCAT annual meeting, US includes seabird bycatch information in national  
report, Dublin, Ireland (Oct 03)

- US/Taiwan fisheries meeting, agenda includes seabird bycatch; reference made to technical seabird bycatch workshop in Taiwan sponsored by BirdLife International and endorsed by Taiwan Fisheries Administration; Rosslyn, VA (Nov 03)
- ICCAT annual meeting; previously sent demarche to ICCAT members re: implementation of Resolution 02-14, seabird bycatch resolution adopted last year; Dublin, Ireland (Nov 03)
- Participation at FAO/BirdLife International workshop, Conservation of Albatrosses and Petrels, in Valdivia, Chile (Dec 03)
- US participation and support planned for technical workshop on seabird bycatch in longline fisheries, focus on Asian nations, Kaohsiung, Taiwan; workshop hosted by BirdLife International and Wild Bird Federation of Taiwan, endorsed by Taiwan Fisheries Administration (Jan 04)
- US/Mexico fisheries bilateral meeting, Mazatlan, Mexico (Mar 04)
- Short-tailed Albatross Recovery Team meeting, Chiba, Japan (May 04)
- US/Taiwan fisheries meeting, agenda includes seabird bycatch, Rosslyn, VA (June 04)
- US/Canada fisheries bilateral meeting, Washington, D.C. (July 04)
- US/Chile fisheries bilateral meeting, Juneau, AK (July 04)
- Third International Albatross & Petrel Conference; NOAA Fisheries-sponsored workshop, “Quantifying Seabird Bycatch: A Global Perspective”, Montevideo, Uruguay (Aug 04)
- US Representation at CCAMLR’s WG-IMAF, Hobart, Australia (Oct 04)
- 4<sup>th</sup> International Fisheries Observer Conference; NOAA Fisheries-sponsored workshop, “Development of Best Practices for the Collection of Longline Data to Facilitate Research and Analysis to Reduce Bycatch”, Sydney, Australia (Nov 04)
- Agreement for the Conservation of Albatrosses & Petrels, First Meeting of the Parties, US attends as an observer, Hobart, Australia (Nov 04)

#### **APPENDIX 4**

##### **FOLLOWUP DIPLOMATIC DEMARCHE (CABLE) RELATING TO SEA TURTLE BYCATCH -- SENT TO FLAG STATES WITH SIGNIFICANT LONGLINE FLEETS (AND TAIWAN)**

## DEMARCHE REQUEST: BYCATCH OF SEA TURTLES IN LONGLINE FISHERIES

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1. This telegram requests action; see para 23 for action request.

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Summary  
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2. The United States remains concerned about the incidental take or bycatch of non-target species in marine fisheries worldwide, and particularly the serious problem of bycatch of sea turtles in pelagic longline and other fisheries. This telegram provides further information relating to USG efforts to reduce incidental catch of sea turtles in pelagic longline fisheries in anticipation of the Food and Agriculture Organization (FAO) technical consultation later in 2004. Host governments/authority representatives that are not already participating in this work are urged to do so where appropriate. End summary.

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Background On The Status Of Sea Turtles  
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3. There are seven species of marine turtles, all of which are listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Additionally, species are listed as "critically endangered" or "endangered" under the Red List of the International Union for the Conservation of Nature and Natural Resources (IUCN). All marine turtles except the flatback (*natator depressus*), which is indigenous to Australia, are listed under the U.S. Endangered Species Act of 1973.

4. Many marine turtle populations continue to decline. Evidence suggests that the driftnet, longline, and artisanal fisheries of the Pacific, and poaching of eggs and nesting females, are likely responsible for these declines. Marine turtles undertake extensive migrations, resulting in exposure to numerous fishing fleets and gear types. All species of marine turtles are caught in longline gear, which occurs throughout the world's oceans. Dominant longline fleets include Japan, Taiwan, Korea, Spain, Indonesia, and the United States. For most fishing fleets, little or no data exist regarding the incidental catch of marine turtles, although some observer and self-reporting programs exist.

5. In February 2001, consultations between the Departments of Commerce and State resulted in a U.S. international strategy for the reduction of sea turtle bycatch. This strategy initially focuses U.S. efforts on marine turtle bycatch in international pelagic longline fisheries. In January 2002, an interagency U.S. international bycatch reduction task force was created to further international discussions on the reduction of marine turtle bycatch in longline fisheries, the incidental catch of seabirds in longline fisheries, and the conservation and management of sharks.

6. The international community has begun to recognize the need to address decline in sea turtle populations. The Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), which entered into force in May 2001, is the first international agreement devoted solely to the protection of sea turtles. This agreement calls on parties to establish national sea turtle conservation programs. Each party agrees to implement broad measures for the conservation of sea turtles, including the use of turtle excluder devices (TEDs) by commercial shrimp trawl vessels and the reduction, to the greatest extent practicable, of the incidental capture of sea turtles from other fisheries. In addition, the USG has participated in an agreement to conserve and manage marine turtles in the Indian Ocean and Southeast Asia region.

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New developments: Scientific Research  
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7. In 2003, two studies were completed to evaluate whether changes in commercial longline fishing gear and practices could reduce sea turtle bycatch. The first was conducted in the eastern Atlantic Ocean by the University of Florida, in partnership with the University of the Azores (initiated in 2000). The other was conducted in the northwestern Atlantic by the USG in partnership with an industry group, the Bluewater Fishermen's Association (initiated in 2001). These studies were successful in identifying modifications that can help to reduce sea turtle bycatch in longline fisheries for swordfish. Large circle hooks in combination with specific bait types were shown to reduce sea turtle take in longline gear (large circle hooks alone were shown to significantly reduce sea turtle take regardless of bait type, and mackerel bait in combination with large circle hooks had the highest reduction for loggerhead turtles).

8. In recent years, the USG implemented regulations prohibiting fishing for swordfish in the Pacific by U.S. vessels north of the equator and prohibiting all longline fishing during April and May in waters south of Hawaii to the equator. Additionally, regulations were implemented to reduce sea turtle take in longline gear which prohibited fishing with longline gear in an area encompassing over 2,600,000 square nautical miles in the northwest Atlantic. Based on the results of the eastern (Azores) and northwestern Atlantic studies, the United States allowed the use of large circle hooks (18/0 or greater) with specific bait and offset configurations, on an experimental-fisheries basis by U.S. vessels in the Pacific to evaluate their effectiveness in overall sea turtle bycatch reduction under normal operating conditions. Additionally, regulations are under development to require circle hooks in the Atlantic and Gulf of Mexico longline fisheries, and to re-open the north Atlantic fishery for U.S. vessels.

Note: One of the concerns expressed by U.S. and international fishers is the uncertainty over the effect of such gear modifications on target catch rates. This echoes the concerns expressed by the shrimp trawl industry at the inception of the TEDs regulations. It is clear that such concerns need to be addressed if gear modification measures that may eventually become part of a regulatory program are to be easily and quickly adopted by the industry. Additional U.S. studies are

planned to determine target catch rates for tuna and swordfish based on the modifications that showed the most promise for reducing sea turtle interactions (the effects of large circle hooks on swordfish catch have been documented in the Atlantic study -- when used with mackerel bait there is a statistically significant increase in swordfish catch, when used with squid there is a statistically significant decrease in swordfish catch). End note.

9. Additionally, in order to implement safe handling practices which could reduce mortality for turtles that are hooked or entangled in longline gear, the USG, in partnership with U.S. industry, has developed a number of tools that can improve the survival for turtles after release. These tools include de-hooking devices to remove hooks in a more efficient manner, line cutters to reduce the amount of fishing line that might be attached to hooks that cannot be removed, and dip nets to aid in bringing smaller turtles on board vessels for gear removal or resuscitation. Such measures, in combination with gear modifications, are considered to comprise the suite of management measures that so far hold the most promise to reduce sea turtle bycatch and mortality in commercial longline fisheries. However, given the serious population status of certain sea turtle species, such as the pacific leatherback and pacific loggerhead, the United States is examining additional measures that may help to achieve species recovery.

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#### New Developments: International and Bilateral Fora

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10. The IAC is the only international treaty devoted exclusively to sea turtles. Immediate U.S. focus is on the establishment of a permanent secretariat. This is a crucial first step to ensuring that the convention is effectively implemented and that momentum and continuity are maintained between conferences of the parties. Additionally, the United States will be: 1) working to foster implementation of Annex III to the convention, 2) promoting the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries, 3) supporting nomination of qualified scientists to the scientific committee to ensure that research plans and threats assessments appropriately encompass the issues of global impacts to sea turtle populations, 4) seeking to ensure compliance with standardized data collection and the implementation of index monitoring programs, and 5) encouraging Panama, Chile, and Colombia to join the convention as soon as possible. These nations contain key sea turtle habitat and operate large and varied fishing industries that pose threats to the regions sea turtle populations.

11. The Indian Ocean and Southeast Asia sea turtle memorandum of understanding (IOSEA) was developed under the umbrella of the Convention on Migratory Species (CMS) and establishes a mechanism through which foreign nations of the Indian Ocean and Southeast Asian region, as well as other concerned nations such as the United States, can work together to conserve and replenish depleted sea turtle populations. The USG is actively encouraging Indonesia, Malaysia, and Papua New Guinea to enter into the IOSEA, as these nations contain critical areas for several sea turtle nesting populations in the Pacific. Additionally, the USG is promoting the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries, promoting the use of TEDs, where appropriate, and

supporting conservation and research programs on key nesting and foraging areas, including ongoing community-based efforts at Jarmursba-Medi, Indonesia.

12. The Inter-American Tropical Tuna Commission (IATTC): The IATTC's bycatch working group has developed a resolution on sea turtle bycatch, which will be submitted to the IATTC in June 2004. The resolution encourages member parties to: (a) collect data on sea turtle interactions in fisheries operating in the eastern pacific; (b) require release of incidentally caught sea turtles and safe handling protocols; (c) develop a three-year program to include bycatch mitigation, biological research, and improvement of fishing gears. Additionally, research results from the NED experiments were presented at the IATTC Bycatch Working Group in January 2004 in Kobe, Japan. The group examined information on status of sea turtles; identified short and long-term conservation measures; and recommended research areas to address sea turtle interactions in fisheries. In the upcoming year, the USG will: participate in fisheries outreach workshops that promote safe handling practices and the use of dehooking devices; provide funding and technical assistance for longline gear modification testing to Ecuador, Costa Rica, and Chile; and seek compliance of standardized data collection and safe handling practices.

13. The International Commission for the Conservation of Atlantic Tunas (ICCAT): The United States developed a resolution on sea turtle bycatch that was adopted by ICCAT. This resolution encourages member parties to: (a) collect data on sea turtle interactions in the convention area; (b) require release of incidentally caught sea turtles and safe handling protocols; and (c) support the FAO sea turtle consultation. In the upcoming year, the USG will: seek a stronger resolution requiring the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries; promote a research program to evaluate promising gear and fishing tactic modifications to reduce sea turtle bycatch; participate in fisheries outreach workshops promoting safe handling practices and the use of dehooking devices; and seek compliance of standardized data collection and safe handling practices.

14. The USG participated this year in the Interim Scientific Committee for the Highly Migratory Species of the North Pacific Ocean (ISC). The ISC created a bycatch working group in February 2004, with terms of reference that give priority to bycatch of sea turtles, sharks and seabirds and for the collection of data related to bycatch of these animals by vessels operating under the jurisdiction of ISC members. The ISC is likely to be an important source for scientific advice and recommendations in support of management measures to the Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC) and may provide similar advice to the IATTC, in particular with respect to fisheries such as swordfish occurring in the northern part of the IATTC convention area.

15. New information on sea turtle research and management has been discussed in fisheries bilateral meetings this year with Japan and Mexico. This topic will also be included in upcoming fisheries bilateral meetings with Chile, Iceland, the EU, and Canada. USG bilateral efforts in this regard also include on-going and proposed future technology transfer and gear experimentation with: Australia, Brazil, Costa Rica, Chile, Ecuador, Guatemala, Israel, Japan, Korea, Marshall islands, Mexico, Federated States of Micronesia, Papua New Guinea, Uruguay,



and others. Additionally, the USG will seek development of a memorandum of understanding with the Instituto del Mar del Peru (a public institution under Peru's fisheries subsector) to develop cooperative scientific research projects, especially relating to fisheries experiments, and marine turtle bycatch reduction technologies in the Peruvian commercial and artisanal fisheries of the Pacific.

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#### New Developments: International Workshops

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16. Seattle Workshop: in March 2003, the United States hosted an interdisciplinary, technical expert workshop on bycatch of sea turtles in longline fisheries. Participants from nineteen countries and four inter-governmental organizations (Food and Agriculture Organization of the United Nations - FAO, IATTC, CMS, and the Secretariat of the Pacific Community - SPC) attended the meeting.

17. The goal of this meeting was to bring together academic, technical, and scientific expertise to discuss, develop and recommend actions to address global incidental capture in longline fisheries with the hope that implementation of these actions, where applicable, might reduce this particular threat. Specifically, the workshop objectives were: (1) to evaluate existing information on turtle bycatch in longline fisheries; (2) to facilitate and standardize collection of data from longline fisheries that are likely to interact with marine turtles; (3) to exchange information on experimentation with longline gear relative to turtles and target species; (4) to identify and consider solutions to reduce turtle bycatch in longline fisheries; and (5) to exchange information and gain a comprehensive understanding of the fishing methodologies and operations of global longline fleets.

18. Six overarching strategies were identified as key elements to address sea turtle bycatch in longline fisheries. These strategies are: 1) improved data collection and monitoring, 2) regulatory approaches to fishery management, 3) incentives to participate in the development and implementation of bycatch reduction measures, 4) modifications of gear and fishing practices, 5) modifying, developing, and implementing multi-lateral agreements, and 6) training, outreach, and capacity building. Specific immediate and long-term actions were then identified to implement each of these strategies taking into account: local, regional, and global scales; differences between developed and developing nations; differences in the biology and vulnerability of sea turtle species and stocks; and differences in the characteristics of longline fisheries.

19. Bellagio workshop: From 17-22 November 2003, a group of 25 experts met in Bellagio, Italy, to draft a blueprint for action on Pacific sea turtles. The group recognized the serious state of sea turtle populations in the Pacific and the escalating nature of human threats to the turtles. However, taking a broad view of successful sea turtle conservation cases in other parts of the world and promising policy and management actions in the Pacific, they concluded that actions

to save the threatened and endangered species were possible. The blueprint urges protecting all nesting beaches, reducing turtle take in at-sea and coastal fisheries, stimulating pan-pacific policy actions and encouraging the sustainability of traditional use of sea turtles.

20. In addition to this description of the blueprint, the Bellagio experts are developing a full policy brief and other products for wide dissemination and, individually, are taking up the actions recommended in forthcoming environment and fisheries policy and management forums.

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New developments: FAO Technical Consultation on Sea Turtles

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21. The USG supported a proposal submitted by Japan before the twenty-fifth session of COFI to conduct a FAO technical consultation on the issue of sea turtle interactions with fishing gear. The consultation will be held in Bangkok, Thailand during November 29 through December 3, 2004. The key objectives agreed by FAO membership for this meeting are: (a) review the status of the sea turtle species and the overall impact fisheries have on their populations; (b) explore where data collection can be initiated or improved; (c) include the fishing industries in developing and implementing solutions to reduce sea turtle bycatch; and (d) promote involvement of regional fisheries management organizations in identifying solutions and implementing measures to reduce sea turtle bycatch.

22. The USG is encouraging all relevant fishing nations to attend and participate actively in this technical consultation. The USG has taken an active role, in partnership with Japan, to consider the agenda and basic documents for this meeting. Some of the U.S. goals for this consultation include: 1) promoting the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries; and 2) seeking standardized data collection and implementation of sea turtle bycatch observer programs in fisheries that pose high levels of threat to sea turtle recovery (e.g., trawl, gillnet, and longline fisheries). It is the hope of the United States that this preparatory work and the efforts cited in previous paragraphs of this paper will lead to positive results at the technical consultations. The United States will provide additional information on our preparations at a later stage.

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Action request

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23. Posts and AIT Taipei are requested to deliver the following points in a demarche to appropriate host government officials/authority representatives. The background in paragraphs 3-22 above is for the information of posts and AIT in delivering and discussing the demarche.

## 24. Begin points.

--The United States remains concerned about the incidental take or bycatch of endangered sea turtles in pelagic longline and other fisheries. While much work has been done in the United States and elsewhere to address sea turtle bycatch in trawl fisheries, bycatch in fisheries deploying pelagic longlines remains a grave threat to sea turtles worldwide.

--Two studies were recently completed in the eastern and northwestern Atlantic Ocean to evaluate the utility of changes in commercial longline fishing gear and practices to reduce sea turtle bycatch. These studies identified modifications that can help to reduce sea turtle bycatch in longline fisheries for swordfish. In these studies, large circle hooks used in combination with specific bait types (such as mackerel) were shown to reduce sea turtle take in longline gear. Because bycatch occurs in many pelagic longline fisheries worldwide, the United States is committed further research to improve and build on these techniques.

--Additionally, in order to implement safe handling practices which could reduce mortality for turtles that are hooked or entangled in longline gear, a number of tools have been developed that can improve the survival for turtles after release. These tools include de-hooking devices to remove hooks in a more efficient manner, line cutters to reduce the amount of fishing line that might be attached to hooks that cannot be removed, and dip nets to aid in bringing smaller turtles on board vessels for gear removal or resuscitation.

--The United States is actively involved in technology transfer and further experimentation in this area within the international community, and urges appropriate governments to contact the following individuals for more information:

David Hogan, Office of Marine Conservation (OES/OMC)  
U.S. Department of State  
Phone: 202-647-2335, Fax: 202-736-7350, E-mail: [HoganDF@State.gov](mailto:HoganDF@State.gov)

Barbara Schroeder, Office of Protected Resources (NOAA/NMFS/PR)  
National Marine Fisheries Service, National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
Phone: 301-713-1401, Fax: 301-713-0376, E-mail: [barbara.schroeder@noaa.gov](mailto:barbara.schroeder@noaa.gov).

--The United States is currently working to address sea turtle bycatch issues in a number of international organizations and arrangements and regional fisheries management organizations. We encourage countries, as appropriate, to participate fully in efforts currently underway in the inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), the Indian Ocean and Southeast Asia marine turtle memorandum of understanding (IOSEA), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), and the Interim Scientific Committee for the Highly Migratory Species of the North Pacific Ocean (ISC).

--The United States encourages governments to attend and participate actively in the FAO technical consultation on sea turtles to be held in Bangkok, Thailand during November 29 through December 3, 2004. U.S. goals for this consultation include: 1) promoting the use of large circle hooks proven effective in reducing sea turtle bycatch interactions in shallow-set longline fisheries; and 2) seeking standardized data collection and implementation of sea turtle bycatch observer programs in fisheries that pose high levels of threat to sea turtle recovery (e.g., trawl, gillnet, and longline fisheries). It is the hope of the United States that this technical consultation will lead to a broader, global approach to address interactions between sea turtles and fishing operations. More information on U.S. preparations and outlook for the technical consultations will be provided later in the year.

End points.

25. Department appreciates post/AIT assistance. Questions should be directed to David Hogan (OES/OMC), 202-647-2335 (t), 202-736-7350 (f), HoganDF@State.gov, or Barbara Schroeder (NOAA/NMFS/PR), 301-713-1401 (t) 301-713-0376, barbara.schroeder@noaa.gov

POWELL

## **APPENDIX 5**

### **CABLE TO COUNTRIES SEEKING TO EXPORT SHRIMP TO THE UNITED STATES NOTIFICATION OF CHANGE IN U.S. DOMESTIC REGULATIONS GOVERNING THE USE OF SEA TURTLE EXCLUDER DEVICES (TEDS) ON U.S. COMMERCIAL SHRIMP TRAWL VESSELS**

CABLE NOTIFYING POSTS OF NEW TEDS REGS AND REQUESTING ACTION  
10-24-03

REF: 03 STATE 127729 (NOTAL)

1. HR/RMA/CSEP (SEP) HAS CLEARED THIS TASKING.
2. THIS TELEGRAM REQUESTS ACTION - SEE PARAGRAPH 10. SAN SALVADOR AND CARACAS SEE ALSO PARAGRAPH 13.

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SUMMARY  
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3. U.S. LAW PROHIBITS IMPORTATION INTO THE U.S. OF SHRIMP HARVESTED IN WAYS HARMFUL TO SEA TURTLES. THE IMPORT PROHIBITION DOES NOT APPLY TO SHRIMP HARVESTED IN COUNTRIES THAT ARE CERTIFIED BY THE DEPARTMENT AS EITHER HAVING ADOPTED A PROGRAM COMPARABLE TO THE U.S. PROGRAM TO PROTECT SEA TURTLES, OR HAVING A FISHING ENVIRONMENT THAT IS SAFE FOR SEA TURTLES. GENERALLY SPEAKING, CERTIFICATION AS HAVING A COMPARABLE PROGRAM REQUIRES LAWS OR REGULATIONS THAT REQUIRE COMMERCIAL SHRIMP TRAWL VESSELS TO USE SEA TURTLE EXCLUDER DEVICES (TEDS). THESE LAWS/REGULATIONS SHOULD BE SIMILAR IN ALL MEANINGFUL RESPECTS TO THE LAWS/REGULATIONS IN PLACE IN THE UNITED STATES. A RECENT CHANGE TO THE U.S. REGULATIONS REQUIRES SIMILAR CHANGES TO HOST COUNTRY REGULATIONS BY AUG. 31, 2004 IN ORDER FOR SUCH COUNTRY TO BE CONSIDERED FOR CONTINUING OR NEW CERTIFICATION AFTER THAT DATE. END SUMMARY

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BACKGROUND  
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4. UNDER SECTION 609 OF U.S. PUBLIC LAW 101-162 (SECTION 609) AND THE DEPARTMENT'S IMPLEMENTING GUIDELINES (REVISED JULY 8, 1999), IMPORTATION INTO THE U.S. OF SHRIMP HARVESTED IN WAYS HARMFUL TO SEA TURTLES IS PROHIBITED. THE IMPORT PROHIBITION DOES NOT APPLY TO SHRIMP HARVESTED IN THOSE COUNTRIES THAT ARE CERTIFIED BY THE SECRETARY, NO LATER THAN MAY 1 EACH YEAR, AS HAVING ADOPTED A PROGRAM COMPARABLE TO THE U.S. PROGRAM TO PROTECT SEA TURTLES, OR THAT HAVE A FISHING ENVIRONMENT THAT IS SAFE FOR SEA TURTLES. THE U.S. PROGRAM'S MAIN ELEMENT IS THE REQUIRED USE OF SEA TURTLE EXCLUDER DEVICES (TEDS) ON VIRTUALLY ALL SHRIMP TRAWL VESSELS OPERATING WHERE THERE IS A LIKELIHOOD OF INCIDENTAL MORTALITY OF SEA TURTLES.

IN ADDITION, THE GUIDELINES REQUIRE THAT EACH COUNTRY CERTIFIED ON THE BASIS OF A TEDS PROGRAM HAVE A CREDIBLE PROGRAM TO ENFORCE THE TEDS REQUIREMENT OR OTHER SEA TURTLE PROTECTION PROGRAM, INCLUDING REGULATIONS AND APPROPRIATE SANCTIONS FOR VIOLATIONS OF THE TED RULE. THE TEDS REQUIREMENTS ARE APPLICABLE TO ACTION ADDRESSEE HOST

GOVERNMENTS IF THOSE HOST GOVERNMENTS SEEK NATIONAL CERTIFICATION PURSUANT TO SECTION 609, AS ALL HAVE TO DATE. IN ADDITION, THEY WOULD APPLY TO ANY OTHER COUNTRY THAT SEEKS FUTURE CERTIFICATION OF A NATIONAL PROGRAM FOR COMMERCIAL TRAWL FISHERIES. (MANY INFO ADDRESSEE HOST GOVERNMENTS HAVE NOT YET SOUGHT CERTIFICATION FOR COMMERCIAL TRAWL FISHERIES, OR ARE CERTIFIED BECAUSE THEIR SHRIMP FISHERIES OR FISHING ENVIRONMENTS DO NOT POSE A THREAT TO SEA TURTLES.)

5. AS A RESULT OF A DETERMINATION THAT THE TEDS REGULATIONS IN FORCE IN THE U.S. ALLOWED MINIMUM SPECIFICATIONS THAT WERE NOT EFFECTIVE IN EXCLUDING LARGE SEA TURTLES SUCH AS THE CRITICALLY ENDANGERED LEATHERBACK TURTLE, THE NATIONAL MARINE FISHERIES SERVICE (NMFS) UNDER NOAA IN THE U.S. DEPT. OF COMMERCE RECENTLY PROMULGATED NEW REGULATIONS FOR THE USE OF TEDS IN THE SHRIMP TRAWL FISHERIES OF THE U.S. ATLANTIC COAST AND GULF OF MEXICO. THESE REGULATIONS CONTAIN TEDS SPECIFICATION CHANGES, AND THESE CHANGES ARE NOW IN EFFECT FOR THE U.S. FISHERIES. THESE CHANGES REQUIRE A LARGER MINIMUM TED GRID OR FRAME SIZE (AN INCREASE TO A MINIMUM 32 INCHES, AS OPPOSED TO THE PREVIOUS MINIMUM OF 28 INCHES) AND A LARGER ESCAPE OPENING. THERE ARE TWO DESIGN CONFIGURATIONS THAT CAN BE UTILIZED TO ACHIEVE THE LARGER ESCAPE OPENING. (SEE POINTS BELOW FOR SPECIFIC DETAILS.)

6. PURSUANT TO THE DEPARTMENT'S IMPLEMENTING GUIDELINES AND SUBSEQUENT TO A POLICY DETERMINATION BY OES, IN ORDER FOR CERTIFIED COUNTRIES TO MAINTAIN CERTIFICATION IN THE FUTURE, THESE CHANGES SHOULD BE INCORPORATED INTO THEIR TEDS REGULATIONS/LAWS. THESE CHANGES ARE ALSO REQUIRED TO BE INCORPORATED INTO THE REGULATIONS/LAWS FOR THOSE GOVERNMENTS APPROVED TO UTILIZE THE TED-CAUGHT SHRIMP EXEMPTION TO THE SECTION 609 TRADE PROHIBITION FOR INDIVIDUAL SHIPMENTS (CURRENTLY ONLY BRAZIL AND AUSTRALIA), AND ANY COUNTRIES WHICH WILL SEEK NATIONAL CERTIFICATION IN THE FUTURE. FOR COUNTRIES THAT ARE CURRENTLY CERTIFIED OR USING THE TED-CAUGHT SHRIMP EXEMPTION, THE CHANGES SHOULD BE INCORPORATED AND BECOME EFFECTIVE BY AUGUST 31, 2004. THE OPERATIVE COMPONENTS OF EACH COUNTRY'S REGULATIONS/LAWS THAT INCORPORATE THESE CHANGES SHOULD BE SUBMITTED TO THE DEPARTMENT NO LATER THAN SEPTEMBER 15, 2004.

7. AFTER SEPTEMBER 15, 2004, THE DEPARTMENT WILL REVIEW THE STATUS OF EACH CERTIFIED COUNTRY, AND EACH COUNTRY AUTHORIZED TO USE THE TED-CAUGHT SHRIMP EXEMPTION, TO VERIFY THAT THE CHANGES HAVE BEEN INCORPORATED IN A LEGALLY BINDING MANNER. ANY COUNTRY THAT HAS NOT INCORPORATED THE CHANGE IS AT RISK OF HAVING CERTIFICATION OR APPROVAL TO USE THE TED-CAUGHT EXEMPTION WITHDRAWN. CERTIFICATION DECISIONS FOR THE MAY 1, 2005 ANNUAL CERTIFICATION WILL BE BASED ON BOTH THE INCORPORATION OF THE CHANGES AS WELL AS GOOD COMPLIANCE WITH THE NEW SPECIFICATIONS. COMPLIANCE WILL BE BASED ON THE STANDARD VERIFICATION VISITS TO SOME COUNTRIES AND THE REQUESTS TO OTHER POSTS TO INQUIRE WITH HOST GOVERNMENTS REGARDING COMPLIANCE, AS IS THE STANDARD PROCEDURE FOR THE ANNUAL CERTIFICATION CYCLE.

8. TO ASSIST WITH THE INCORPORATION OF THESE CHANGES, DEPARTMENT AND NMFS PERSONNEL WILL BE CONDUCTING GEAR TRAINING TO DEMONSTRATE HOW TO PERFORM MODIFICATIONS TO ACHIEVE THE LARGER ESCAPE OPENINGS WITHOUT LOSING ANY ADDITIONAL TARGET CATCH DURING THE SCHEDULED VERIFICATION VISITS PRIOR TO THE MAY 1, 2004 CERTIFICATION, AND TRAINING FOR OTHER COUNTRIES WILL CONTINUE THROUGHOUT 2004. (THE OTHER MAJOR CHANGE, THE INCREASE IN THE MINIMUM GRID WIDTH, IS A CHANGE THAT WILL NOT ADVERSELY AFFECT MANY NATIONS AS THEIR FLEETS ALREADY USE TEDS THAT ARE LARGER THAN THE NEW MINIMUM SIZE). THE SCHEDULING OF SUCH VISITS HAS BEGUN THROUGH INFORMAL COMMUNICATIONS TO POSTS VIA E-MAIL, AND WILL BE FOLLOWED UP BY COUNTRY CLEARANCE AND ASSISTANCE REQUEST TELEGRAMS.

9. ANY COUNTRY THAT SEEKS CERTIFICATION FOR A SEA TURTLE PROTECTION PROGRAM FOR THEIR COMMERCIAL TRAWL FISHERY BUT WHICH DOES NOT BELIEVE THAT SUCH CHANGES ARE NECESSARY OR WARRANTED MAY SEEK AN EXEMPTION TO THIS REQUIREMENT. HOWEVER, SUCH AN EXEMPTION REQUEST MUST BE SUPPORTED BY A SCIENTIFIC ANALYSIS OF THE SPECIES AND SIZE OF TURTLES FOUND IN NATIONAL WATERS, INCLUDING A SCIENTIFICALLY SOUND (AND PREFERABLY INDEPENDENT-OBSERVER-BASED) STUDY OF THE SEA TURTLE INTERACTIONS WITH THEIR COMMERCIAL TRAWL FISHERY THAT MUST REPRESENT A SIGNIFICANT SAMPLE SIZE OF THE FLEET AND LEVEL OF OVERALL FISHING EFFORT OVER TIME.



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ACTION REQUEST  
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10. POSTS ARE REQUESTED TO DELIVER THE POINTS CONTAINED IN PARAGRAPH 11 TO FISHERIES AGENCIES AND TO PROVIDE A COPY TO FOREIGN MINISTRIES. AT POSTS' DISCRETION, INFORMATION MAY ALSO BE SHARED WITH INDUSTRY CONTACTS. THE U.S. REGULATIONS TO BE APPENDED TO THESE POINTS FOR HOST GOVERNMENT INFORMATION ARE AVAILABLE IN .PDF FORMAT BY E-MAIL FROM (AND ANY QUESTIONS ON THIS TELEGRAM OR SECTION 609 MATTERS GENERALLY MAY BE DIRECTED TO) OES/OMC OFFICERS DAVID HOGAN (HOGANDF@STATE.GOV) AND JAMES STORY ([STORYJB@STATE.GOV](mailto:STORYJB@STATE.GOV)). ADDITIONAL CONTACT INFO FOR BOTH: PHONE: 202-647-2335, FAX: 202-736-7350. ALSO INCLUDED BELOW FOR POSTS' ATTACHMENT TO THIS MESSAGE IS THE EXCERPT FROM THE DEPARTMENT'S GUIDELINES WHICH IS THE BASIS FOR THIS CHANGE REQUIREMENT.

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11. BEGIN POINTS:  
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- AS YOU MAY BE AWARE, SECTION 609 OF U.S. PUBLIC LAW 101-162 (SECTION 609) IS THE LAW IN THE UNITED STATES WHICH RESTRICTS IMPORTS OF SHRIMP TO ONLY THOSE COUNTRIES WHOSE METHODS OF PRODUCTION DO NOT HAVE AN ADVERSE IMPACT ON SEA TURTLES.

- THE AGENCY IN THE U.S. GOVERNMENT RESPONSIBLE FOR THE IMPLEMENTATION OF THIS LAW IS THE U.S. DEPARTMENT OF STATE, WITH ASSISTANCE FROM THE U.S. NATIONAL MARINE FISHERIES SERVICE (NMFS). THE PROCEDURES AND REQUIREMENTS FOR CERTIFICATION ARE CONTAINED IN THE DEPARTMENT OF STATE'S GUIDELINES FOR THE IMPLEMENTATION OF SECTION 609.

- PURSUANT TO THE REQUIREMENTS OF THIS LAW, THE DEPARTMENT OF STATE CERTIFIES THOSE COUNTRIES WHICH HAVE ADOPTED SEA TURTLE PROTECTION PROGRAMS THAT ARE COMPARABLE IN EFFECTIVENESS TO THE PROGRAM IN PLACE IN THE UNITED STATES. THE DEFINITION OF A PROGRAM THAT MAY BE CONSIDERED COMPARABLE IN EFFECTIVENESS IS ONE THAT ACHIEVES A COMPARABLE LEVEL OF PROTECTION AND IS BASED ON REGULATIONS OR LAWS THAT MAKE COMPLIANCE WITH THE SEA TURTLE PROTECTION MEASURES MANDATORY.

- ALL COUNTRIES WITH COMMERCIAL SHRIMP TRAWL FISHERIES WHICH HAVE SUCCESSFULLY SOUGHT CERTIFICATION UNDER SECTION 609 HAVE DONE SO BASED ON THE DEVELOPMENT OF REGULATORY PROGRAMS THAT, LIKE THE

PROGRAM IN PLACE IN THE UNITED STATES, REQUIRE THE USE OF TURTLE EXCLUDER DEVICES (TEDS). STATE DEPARTMENT GUIDELINES REQUIRE THAT, FOR THE PURPOSES OF CERTIFICATION, THE TEDS USED IN OTHER COUNTRIES MUST BE COMPARABLE IN EFFECTIVENESS TO THE TEDS APPROVED FOR USE IN THE UNITED STATES.

- IN 2003 THE U.S. GOVERNMENT AGENCY RESPONSIBLE FOR THE MANAGEMENT OF THE U.S. SHRIMP FISHERIES, NMFS, REVISED ITS TEDS REGULATIONS TO INCLUDE SOME CHANGES TO THE SPECIFICATIONS THAT COMPRISE AN APPROVED TED DESIGN.

- THESE CHANGES WERE MADE DUE TO A DETERMINATION THAT THE PREVIOUS DESIGN SPECIFICATIONS DID NOT PROVIDE ADEQUATE PROTECTION FOR LARGE SEA TURTLES, INCLUDING LOGGERHEAD AND CRITICALLY ENDANGERED LEATHERBACK SEA TURTLES.

- IN ADDITION, AFTER SIGNIFICANT PRACTICAL TESTING, THE CHANGES WERE DETERMINED NOT TO HAVE AN ADVERSE EFFECT ON SHRIMP CATCH RATES, AND MAY EVEN PROVIDE SOME BENEFITS OVER THE PRIOR DESIGN IN THAT THEY WILL ALLOW TRASH AND DEBRIS TO EXIT THE TED FASTER.

- THE CHANGES TO THE U.S. PROGRAM ARE CURRENTLY IN FORCE. THEREFORE, IN RECOGNITION THAT COUNTRIES CERTIFIED OR SEEKING CERTIFICATION UNDER SECTION 609 ALSO EXPERIENCE INTERACTIONS BETWEEN THEIR SHRIMP TRAWL FISHERIES AND LARGE SEA TURTLES, THE DEPARTMENT OF STATE HAS DETERMINED THAT, FOR THE PROGRAM OF ANOTHER NATION TO BE CONSIDERED COMPARABLE TO THE U.S. PROGRAM, THE CHANGES IN THE NEW TEDS REGULATIONS IN THE UNITED STATES SHOULD BE INCORPORATED INTO THE PROGRAMS OF SUCH OTHER NATIONS.

- THE CHANGES, WHICH ARE DETAILED BELOW, SHOULD BE INCORPORATED INTO THE LAWS OR REGULATIONS THAT MAKE UP EACH COUNTRY'S SEA TURTLE PROTECTION PROGRAM FOR ITS COMMERCIAL SHRIMP TRAWL FISHERIES, AND THESE CHANGES SHOULD BE MADE IN A WAY THAT THE NEW SPECIFICATIONS ARE MANDATORY.

- THE REVISIONS TO EACH COUNTRY'S REGULATORY PROGRAM SHOULD BE COMPLETED AND MADE EFFECTIVE BY AUGUST 31, 2004. AT THAT TIME OR PRIOR, EACH COUNTRY MAKING THE CHANGES IS REQUESTED TO PROVIDE INFORMATION ON HOW THE REVISIONS WERE INCLUDED IN EACH COUNTRY'S REGULATIONS OR LAWS, AND TO PROVIDE A COPY OF THE OPERATIVE LANGUAGE.

- SUCH INFORMATION SHOULD BE PROVIDED TO THE DEPARTMENT OF STATE NO LATE THAN SEPTEMBER 15, 2004, THROUGH THE U.S. EMBASSY IN EACH

COUNTRY OR DIRECTLY TO JAMES STORY, FOREIGN AFFAIRS OFFICER, OFFICE OF MARINE CONSERVATION, U.S. DEPARTMENT OF STATE, 2201 C. ST. NW, ROOM 5806, WASHINGTON, DC 20520, OR STORYJB@STATE.GOV.

- AFTER SEPTEMBER 15, 2004, THE DEPARTMENT OF STATE WILL REVIEW THE CERTIFICATION STATUS OF EACH COUNTRY BASED ON THE INCORPORATION OF THE REQUESTED CHANGES. THE ADOPTION OF THESE CHANGES SHOULD BE CONSIDERED A CONDITION FOR CERTIFICATION. COUNTRIES THAT CHOOSE NOT TO OR ARE UNABLE TO INCORPORATE THESE REQUESTED CHANGES WILL NOT BE ELIGIBLE FOR CONTINUING SECTION 609 CERTIFICATION.

- IN ADDITION, ANY COUNTRIES WHICH ARE NOT CERTIFIED AT THAT TIME BUT SEEK CERTIFICATION AT ANY FUTURE TIME ON THE BASIS THAT THEY HAVE ADOPTED A COMPARABLE TEDS PROGRAM MUST DEMONSTRATE THAT THEIR REGULATORY PROGRAM INCLUDES THESE SPECIFICATIONS.

- THESE REVISIONS SHOULD ALSO BE INCORPORATED INTO THE REGULATORY PROGRAMS OR TED REQUIREMENTS FOR COUNTRIES SEEKING APPROVAL TO USE THE EXEMPTION THAT ALLOWS INDIVIDUAL SHIPMENTS OF SHRIMP HARVESTED USING TEDS TO BE EXPORTED TO THE UNITED STATES FROM COUNTRIES WHICH ARE NOT NATIONALLY CERTIFIED UNDER SECTION 609. CURRENTLY THIS EXEMPTION IS ONLY APPROVED FOR CERTAIN FISHERIES IN BRAZIL AND AUSTRALIA.

- COUNTRIES MAY SEEK AN EXEMPTION FROM THE REQUIREMENT TO ADOPT THE NEW SPECIFICATIONS. HOWEVER, ANY REQUEST FOR SUCH AN EXEMPTION MUST BE SUPPORTED BY A SCIENTIFIC ANALYSIS OF THE SPECIES AND SIZE OF TURTLES FOUND IN NATIONAL WATERS, AND BE BASED ON A SCIENTIFICALLY SOUND AND PREFERABLY INDEPENDENT-OBSERVER-BASED STUDY OF THE SEA TURTLE INTERACTIONS WITH THEIR COMMERCIAL TRAWL FISHERY TO DEMONSTRATE THAT THERE IS NO POSSIBILITY OF INTERACTIONS WITH LARGE TURTLES, INCLUDING LOGGERHEAD AND LEATHERBACK TURTLES. SUCH A STUDY MUST REPRESENT A SIGNIFICANT SAMPLE SIZE OF THE FLEET AND LEVEL OF OVERALL FISHING EFFORT OVER THE FISHING SEASON.

- COUNTRIES MAY CONSULT WITH THE DEPARTMENT OF STATE AND THE U.S. NATIONAL MARINE FISHERIES SERVICE TO DETERMINE HOW SUCH A STUDY MIGHT BE PURSUED. HOWEVER, THE DEVELOPMENT AND EXECUTION OF SUCH A STUDY DOES NOT AFFECT THE DEADLINE FOR ADOPTION OF THE REQUESTED CHANGES TO THE TEDS SPECIFICATIONS, AND IS NOT AN ALTERNATIVE APPROACH TO MAINTAIN CERTIFICATION, UNLESS THE STUDY CAN BE

COMPLETED, THE RESULTS REVIEWED BY THE UNITED STATES, AND AN EXEMPTION APPROVED PRIOR TO AUGUST 31, 2004.

- THE TED SPECIFICATION CHANGES INCLUDE AN INCREASE IN THE TOTAL WIDTH OF THE TED GRID, OR FRAME; AN INCREASE IN THE DIAMETER OF THE ACCELERATOR FUNNEL, AN OPTIONAL MODIFICATION THAT SOME VESSELS USE; AN INCREASE IN THE SIZE OF THE ESCAPE OPENING; AND A MODIFICATION TO ONE SPECIFIC TED MODEL.
- THE TED FRAME LENGTH AND WIDTH IS INCREASED FROM THE PREVIOUS MINIMUM MEASUREMENT OF 28 INCHES BY 28 INCHES TO A NEW MINIMUM OF 32 INCHES (81 CENTIMETERS) BY 32 INCHES. THE MEASUREMENT IS TAKEN ACROSS THE WIDEST PARTS OF THE TED FRAME. IN PRACTICAL TERMS, THIS CHANGE WILL NOT AFFECT MANY FLEETS, SINCE MOST FISHING FLEETS CURRENTLY UTILIZE TED FRAMES WHICH ARE ALREADY THIS SIZE OR LARGER.
- THE PREVIOUS REGULATIONS FOR THE ESCAPE OPENING REQUIRED A MINIMUM OPENING OF 32 INCHES WIDE BY 10 INCHES HIGH, MEASURED SIMULTANEOUSLY. THE NEW REGULATIONS REQUIRE THE INSTALLATION OF AN ESCAPE OPENING THAT UTILIZES ONE OF THE FOLLOWING TWO DESIGNS: EITHER A MINIMUM STRETCHED WIDTH OF 71 INCHES (180 CENTIMETERS), OR THE USE OF A DOUBLE ESCAPE FLAP. THE LARGER ESCAPE OPENINGS CAN BE ACHIEVED BY SIMPLY MODIFYING EXISTING TEDS, IN MOST CASES.
- THE ATTACHED U.S. REGULATIONS INCLUDE DIAGRAMS OF HOW THESE OPENINGS MAY BE ACHIEVED BY USING EITHER ESCAPE OPENING DESIGN. FOR MOST FISHERIES, THE DOUBLE ESCAPE FLAP DESIGN IS RECOMMENDED, SINCE IT HAS BEEN TESTED TO WORK WELL IN ALLOWING TRASH, DEBRIS, AND NON-TARGET CATCH LIKE LARGE FINFISH TO ESCAPE THE TED QUICKLY AND EASILY, WHILE DEMONSTRATING LITTLE TO NO CHANGE IN SHRIMP CATCH.
- IN THE APPLICATION OF EITHER ESCAPE OPENING MODIFICATION, TED BUILDERS ARE REMINDED TO ENSURE THAT THE KNOTS IN THE ESCAPE FLAP WEBBING MATERIAL ARE ORIENTATED CORRECTLY TO ALLOW THE WATER FLOW PRESSURE TO KEEP THE FLAP(S) CLOSED WHEN THERE IS NOTHING BEING EXCLUDED FROM THE TED.
- ACCELERATOR FUNNELS ARE AN OPTIONAL FEATURE INSTALLED BY SOME FISHERMEN IN FRONT OF THE TED TO IMPROVE SHRIMP CATCH. THE REQUIREMENTS FOR ACCELERATOR FUNNELS HAVE BEEN CHANGED TO BE CONSISTENT WITH THE NEW LARGER ESCAPE OPENINGS. ACCELERATOR FUNNELS NOW MUST HAVE A MINIMUM STRETCHED WIDTH OF 71 INCHES (180 CM).

- THE U.S. REGULATIONS HAVE ALSO BEEN REVISED TO REQUIRE THE USE OF A BRACE BAR ON WEEDLESS TED DESIGNS. THE WEEDLESS DESIGN IS IDENTIFIED BY TED BARS THAT ARE ATTACHED TO THE FRAME ONLY AT THE LEADING EDGE, BUT NOT AT THE TRAILING EDGE. IF THIS MODEL IS USED, A BRACE BAR MUST BE ATTACHED TO THE GRID BARS HORIZONTALLY ACROSS THE BACK OF THE TED (NOT ON THE FRONT SIDE FACING THE MOUTH OF THE TRAWL).

- THERE ARE OTHER MODIFICATIONS CONTAINED IN THE U.S. REGULATIONS ATTACHED TO THIS MESSAGE. HOWEVER, THE DEPARTMENT OF STATE IS NOT REQUIRING THEIR ADOPTION AT THIS TIME. ONLY THE ADOPTION OF THE REVISIONS LISTED ABOVE WILL BE CONSIDERED AS CONDITIONS FOR CONTINUING CERTIFICATION.

- CURRENTLY, A VIDEOTAPE IS AVAILABLE IN ENGLISH THAT EXPLAINS THE CHANGES, WHICH WILL BE PROVIDED TO GOVERNMENTS OR INDIVIDUALS UPON REQUEST TO THE CONTACT INFORMATION BELOW. A WEBSITE THAT ALSO CONTAINS INFORMATION ON THE NEW TEDS REGULATIONS AND THE REQUIRED TECHNICAL CHANGES FOLLOWS: [HTTP://WWW.MSLABS.NOAA.GOV/TEDS.HTML](http://www.mslabs.noaa.gov/teds.html). ADDITIONAL TECHNICAL INFORMATION ON TEDS CAN BE FOUND AT THE NMFS WEBSITE AT: [HTTP://WWW.NMFS.NOAA.GOV/PROT RES/PR3/TURTLES/TEDS.HTML](http://www.nmfs.noaa.gov/prot_res/pr3/turtles/teds.html).

- AS RESOURCES AND SCHEDULING ALLOW, THE UNITED STATES WILL OFFER ON-SITE TRAINING TO ENFORCEMENT AND INDUSTRY PERSONNEL ON HOW SOME OF THESE MODIFICATIONS MIGHT BE ACHIEVED. THIS TRAINING WILL BE INCLUDED IN THE PROGRAMS FOR THE UPCOMING VERIFICATION VISITS TO BE SCHEDULED SOME COUNTRIES. THE DEPARTMENT OF STATE WILL WORK TO SCHEDULE TRAINING-SPECIFIC VISITS LATER IN THE YEAR FOR THOSE COUNTRIES THAT WILL NOT HOST A VERIFICATION VISIT PRIOR TO THE MAY 1 ANNUAL CERTIFICATION DEADLINE.

- THE DEPARTMENT OF STATE WELCOMES ANY RESPONSES TO THIS MESSAGE. ANY SECTION 609 POLICY QUESTIONS ABOUT THIS MATTER MAY BE DIRECTED TO JAMES STORY, FOREIGN RELATIONS OFFICER, OFFICE OF MARINE CONSERVATION, U.S. DEPARTMENT OF STATE, 2201 C STREET, NW, WASHINGTON, DC 20520, PHONE: 202-647-2335, FAX 202-736-7350. TECHNICAL OR SCIENTIFIC QUESTIONS MAY ALSO BE DIRECTED TO THE DEPARTMENT OF STATE, WHICH WILL REFER THEM TO THE APPROPRIATE OFFICES IN THE NATIONAL MARINE FISHERIES SERVICE.

END POINTS.

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DEPARTMENT GUIDELINES  
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12. THE CURRENT DEPARTMENT GUIDELINES WERE ISSUED ON JULY 8, 1999. A SECTION OF THE TEXT OF THE GUIDELINES RELATING TO MAKING CERTIFICATION DECISIONS FOLLOWS. THE ENTIRE TEXT IS AVAILABLE FROM OES/OMC AT THE CONTACTS ABOVE.

BEGIN CITE:

B. CERTIFICATION PURSUANT TO SECTION 609(B)(2)(A) AND (B) UNDER SECTION 609(B)(2), THE DEPARTMENT OF STATE SHALL CERTIFY ANY(HARVESTING NATION BY MAY 1ST OF EACH YEAR IF THE GOVERNMENT OF (THAT) NATION HAS PROVIDED DOCUMENTARY EVIDENCE OF THE ADOPTION OF A REGULATORY PROGRAM GOVERNING THE INCIDENTAL TAKING OF SUCH SEA TURTLES IN THE COURSE OF SUCH HARVESTING THAT IS COMPARABLE TO THAT OF THE UNITED STATES" AND IF THE AVERAGE RATE OF THAT INCIDENTAL TAKING BY VESSELS OF THE HARVESTING NATION IS COMPARABLE TO THE AVERAGE RATE OF INCIDENTAL TAKING OF SEA TURTLES BY UNITED STATES VESSELS IN THE COURSE OF SUCH HARVESTING."

A. REGULATORY PROGRAM. THE DEPARTMENT OF STATE SHALL ASSESS REGULATORY PROGRAMS, AS DESCRIBED IN ANY DOCUMENTARY EVIDENCE PROVIDED BY THE GOVERNMENTS OF HARVESTING NATIONS, FOR COMPARABILITY WITH THE U.S. PROGRAM. WHERE STANDARD OTTER TRAWL NETS ARE USED IN SHRIMP FISHERIES IN WATERS WHERE SEA TURTLES ARE PRESENT, SEA TURTLES WILL INEVITABLY BE CAPTURED AND DROWNED. THE DEPARTMENT OF STATE IS PRESENTLY AWARE OF NO MEASURE OR SERIES OF MEASURES THAT CAN MINIMIZE THE CAPTURE AND DROWNING OF SEA TURTLES IN SUCH NETS THAT IS COMPARABLE IN EFFECTIVENESS TO THE REQUIRED USE OF TEDS.

1. IF THE GOVERNMENT OF THE HARVESTING NATION SEEKS CERTIFICATION ON THE BASIS OF HAVING ADOPTED A TEDS PROGRAM, CERTIFICATION SHALL BE MADE IF A PROGRAM INCLUDES THE FOLLOWING:

- (I) REQUIRED USE OF TEDS--A REQUIREMENT THAT ALL COMMERCIAL SHRIMP TRAWL VESSELS OPERATING IN WATERS IN WHICH THERE IS A LIKELIHOOD OF INTERCEPTING SEA TURTLES USE TEDS AT ALL TIMES. TEDS MUST BE COMPARABLE IN EFFECTIVENESS TO THOSE USED IN THE UNITED STATES. ANY EXCEPTIONS TO THIS REQUIREMENT MUST BE COMPARABLE TO THOSE OF THE U.S. PROGRAM DESCRIBED ABOVE; AND
- (II) ENFORCEMENT--A CREDIBLE ENFORCEMENT EFFORT THAT INCLUDES MONITORING FOR COMPLIANCE AND APPROPRIATE SANCTIONS.

2. IF THE GOVERNMENT OF A HARVESTING NATION DEMONSTRATES THAT IT HAS IMPLEMENTED AND IS ENFORCING A COMPARABLY EFFECTIVE REGULATORY PROGRAM TO PROTECT SEA TURTLES IN THE COURSE OF SHRIMP TRAWL FISHING WITHOUT THE USE OF TEDS, THAT NATION WILL ALSO BE ELIGIBLE FOR CERTIFICATION. AS DESCRIBED ABOVE, SUCH A DEMONSTRATION WOULD NEED TO BE BASED ON EMPIRICAL DATA SUPPORTED BY OBJECTIVE SCIENTIFIC STUDIES OF SUFFICIENT DURATION AND SCOPE TO PROVIDE THE INFORMATION NECESSARY FOR A RELIABLE DETERMINATION. IN REVIEWING ANY SUCH INFORMATION, THE DEPARTMENT OF STATE WILL TAKE FULLY INTO ACCOUNT ANY DEMONSTRATED DIFFERENCES BETWEEN THE SHRIMP FISHING CONDITIONS IN THE UNITED STATES AND THOSE IN OTHER NATIONS, AS WELL AS INFORMATION AVAILABLE FROM OTHER SOURCES.

B. INCIDENTAL TAKE. AVERAGE INCIDENTAL TAKE RATES WILL BE DEEMED COMPARABLE IF THE HARVESTING NATION REQUIRES THE USE OF TEDS IN A MANNER COMPARABLE TO THAT OF THE U.S. PROGRAM OR, AS DESCRIBED ABOVE, OTHERWISE DEMONSTRATES THAT IT HAS IMPLEMENTED A COMPARABLY EFFECTIVE PROGRAM TO PROTECT SEA TURTLES IN THE COURSE OF SHRIMP TRAWL FISHING WITHOUT THE USE OF TEDS.

C. ADDITIONAL CONSIDERATIONS. 1. FORM--A REGULATORY PROGRAM MAY BE IN THE FORM OF REGULATIONS PROMULGATED BY THE GOVERNMENT OF THE HARVESTING NATION AND HAVING THE FORCE OF LAW. IF THE LEGAL SYSTEM AND INDUSTRY STRUCTURE OF THE HARVESTING NATION PERMIT VOLUNTARY ARRANGEMENTS BETWEEN GOVERNMENT AND THE FISHING INDUSTRY, SUCH AN ARRANGEMENT MAY BE ACCEPTABLE SO LONG AS THERE IS A GOVERNMENTAL MECHANISM TO MONITOR COMPLIANCE WITH THE ARRANGEMENT AND TO IMPOSE PENALTIES FOR NON-COMPLIANCE, AND RELIABLE CONFIRMATION THAT THE FISHING INDUSTRY IS COMPLYING WITH THE ARRANGEMENT.

2. DOCUMENTARY EVIDENCE--DOCUMENTARY EVIDENCE MAY BE IN THE FORM OF COPIES OF THE RELEVANT LAWS, REGULATIONS OR DECREES. IF THE REGULATORY PROGRAM IS IN THE FORM OF A GOVERNMENT-INDUSTRY ARRANGEMENT, THEN A COPY OF THE ARRANGEMENT IS REQUIRED. HARVESTING NATIONS ARE ENCOURAGED TO PROVIDE, TO THE EXTENT PRACTICABLE, INFORMATION RELATING TO THE EXTENT OF SHRIMP HARVESTED BY MEANS OF AQUACULTURE.

END CITE.

13. FOR SAN SALVADOR AND CARACAS: ALTHOUGH THIS MESSAGE WAS ALREADY INFORMALLY COMMUNICATED TO HOST GOVERNMENT DURING THE

RECENTLY CONDUCTED TRAINING VISIT, POSTS ARE REQUESTED TO SEND A COPY OF THE POINTS AND ATTACHMENT(S) TO FISHERIES AGENCIES AND OTHER CONTACTS (AT POSTS' DISCRETION) AS THE FORMAL NOTIFICATION.  
POWELL

BT  
#9546



## **APPENDIX 6**

### **DIPLOMATIC DEMARCHE (CABLE) TO MEMBERS OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RELATING TO SEABIRD BYCATCH**

Subject: IMPLEMENTATION OF RESOLUTION BY ICCAT ON INCIDENTAL  
MORTALITY OF SEABIRDS

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1. This tasking has been cleared by M/P(SEP).
2. This is an action cable.
3. At its 2002 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a Resolution on Incidental Mortality of Seabirds (Res. 02-14). The resolution urges parties to inform ICCAT's Standing Committee on Research and Statistics (SCRS) and the Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (NPOA-Seabirds) and to implement such plans, where appropriate. Furthermore, the resolution encourages parties to collect and provide to SCRS all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT. For further information and a copy of the resolution, visit the ICCAT website at <[www.iccat.es](http://www.iccat.es)>. USG is concerned about the status of seabirds generally and is anxious to see that the provisions of this resolution are implemented at the 2003 ICCAT meeting. National Reports to ICCAT are due in mid-October.
4. Posts are requested to deliver the following points to all ICCAT members:
  - The USG would like to take the opportunity to remind ICCAT parties of the provisions of the Resolution on Incidental Mortality of Seabirds, adopted by ICCAT in 2002.
  - In particular, the resolution urges parties to inform the SCRS and Commission of the status of their NPOA-Seabirds and to implement such plans, as appropriate.
  - In addition, the resolution encourages parties to collect and provide data to SCRS on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT.
  - The USG has finalized its NPOA-Seabirds. Consistent with the 2002 seabird resolution, USG will provide in its 2003 National Report to ICCAT information on the status of the implementation of the U.S. NPOA-Seabirds as well as observer data on seabird interactions in its Atlantic pelagic longline fishery.
  - The United States looks forward to learning of the status of other ICCAT parties' NPOAs-Seabirds and of their available data on seabird interactions in fisheries under ICCAT purview in each party's respective 2003 National Report to ICCAT.
5. For Brasilia, in previous contact with Brazil on the development of their NPOA-Seabirds, Brazil noted that they had requested technical assistance from the Food and Agriculture Organization of the United Nations (FAO) for the development of their NPOA. The United

States is interested in knowing whether Brazil was successful in obtaining this assistance, and if so, what the status is in developing their NPOA-Seabirds.

6. For Windhoek, in its response to previous communication, Namibia's Special Advisor to the Minister of Fisheries and Marine Resources, Paul Nichols, indicated that the Ministry had dedicated a full-time biologist to the development of its NPOA and was making very good progress. The United States is interested in the status of this NPOA.

7. For Montevideo, in its response a year ago to previous communication, Uruguay informed us that it would soon be developing an NPOA. The USG is interested in the status of this NPOA. The POCs identified were Navy Captain (Retired) Julio Lamarthee and Navy Captain (Retired) Tabare Lozano, both at Ministry of Foreign Affairs.

8. For Pretoria, in December 2002, USG staff received a draft of the South Africa NPOA for review. The USG is interested in knowing if the draft has been finalized. The NPOA was contracted by the SAG's Marine & Coastal Management, Department of Environmental Affairs & Tourism.

9. For Seoul, we understand that the ROK's National Fisheries Research and Development Institute (NFRDI) is developing an observer program, including coverage of its distant water longline fleet. The USG hopes that these efforts will include an assessment for seabird incidental catch, to determine whether or not an NPOA is necessary. We are interested in information about this observer program and an update on NPOA development. The ROKG NFRDI POC is Dr. Dae-Yeon Moon.

10. NMFS POCs on this issue are Erika Carlsen (tel: 301-713-2276, email: [erika.carlsen@noaa.gov](mailto:erika.carlsen@noaa.gov)) and Kim Rivera (tel: 907-586-7424, email: [Kim.Rivera@noaa.gov](mailto:Kim.Rivera@noaa.gov)). Department POC is OES/OMC Deirdre Warner-Kramer (tel: 202-647-2335; e-mail [Warner-KramerDM@State.gov](mailto:Warner-KramerDM@State.gov)).

11. Department looks forward to any comments or responses to the general points in para 4, and seeks specific responses from the Posts noted in paras. 5-9 above. Regards.  
POWELL

## **APPENDIX 7**

### **INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) RESOLUTION ON A THREE-YEAR PROGRAM TO MITIGATE THE IMPACT OF TUNA FISHING ON SEA TURTLES**

## **APPENDIX 8**

### **INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RESOLUTION ON SEA TURTLES**